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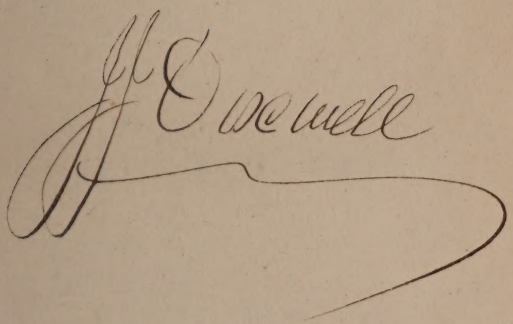

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THE NORTH AMERICAN REVIEW.

J. R.

VOL. CXII.

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NORTH AMERICAN REVIEW.

No. CCXXX.

JANUARY, 1871.

Art. I. — The Aborigines of Nova Scotia.

There still remains in Nova Scotia a portion of a tribe of Indians, the descendants of its inhabitants when first visited by Europeans. They have been called by various names, but are now generally known as Micmacs, and are a branch of the great Algonkin family. It is generally thought that they have greatly decreased in number during the last century, and this opinion is strongly supported by themselves; but an estimate made by a priest, in 1760, places them at three thousand, and it is believed by those best acquainted with the tribe that it is quite as numerous now. The census of 1861 shows an increase of thirty-three per cent over that of 1851 for Nova Scotia, and the number at present living in that province must be considerably greater than fifteen hundred. The Micmac population of Prince Edward Island and New Brunswick is quite sufficient to raise this number to the total given above, without taking account of scattered members of the tribe living in Canada and other parts of the continent.

The confidence with which the Indian refers to the multitude and power of his people in past times, and the readiness with which his representations are received and become matters of popular belief, are easily explained. Savage or civilized man seems equally inclined to forget the wise dictum of the Preacher, when speaking of the former days. Any one acquaint-

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ed with life in the latitude of Nova Scotia, to say nothing of the northern part of New Brunswick, will readily believe that a nomadic tribe, possessing only the implements of the stone age, and preyed upon by the many causes which tend to enfeeble or destroy human life, could never become very numerous within the limits indicated. In fact there seems good reason for believing that the tribe has never been much larger than it is at present. At times it would be reduced by war or famine, and would again increase during peace and plenty.

Unless there is some mysterious influence deadly to the red man in the vicinity of his white brother, who builds cities where he used to haul up his canoe, and scares away the game with his villanous vapor, his present circumstances are at least as favorable to long life as those of his ancestors three hundred years ago. It is true that his mode of living has been changed in some degree, but he does not appear to have suffered any very great loss in the change. Catching fish with wooden spears, and killing caribou with stone-headed arrows, must have been a much more uncertain way of procuring a dinner than a journey to a neighboring village or farm-house with a load of baskets. Pork is better than rabbits, and the wenjutēâmwā* of the pale face than soup made from the scraped hide of a moose, the Indian himself being judge.

Some allowance must be made for the destructive effects of the "vices of civilization," but against the operation of these in modern times may be set the ancient passion for scalp-locks, common to all the tribes. With respect to one of these vices, the one which especially characterizes the continent, it may be maintained that the Micmac is not more drunken than the average American. There seems, therefore, to be no very strong reason against a belief that the numbers of this tribe have been increasing rather than decreasing for many years. They cling to a belief in a golden age, when game was plenty and sickness unknown; but in their stories and legends, mingled with tales of wonder, we find the truer record of the existence of the enemies of man, — want, disease, war, and crime. Athletic, muscular men, and active, light-hearted women are to be met with everywhere among them.

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* Beef.

Their shrewdness and ingenuity give sufficient foundation for the belief that their past history was one of gradual elevation, though they were hemmed within narrow boundaries by the conditions of existence, and their behavior in the presence of an alien civilization, achieved by toiling slow from grade to grade, is a study of great interest. In them hoar antiquity and patriarchal simplicity look out on the multiplied complexity of modern life as really as if Tubal Cain could pay a visit to Sheffield, or Job make a trial of *le beau monde*. We chide them, and wonder at them, because they cannot learn in a few years what we have gathered from the experience of many centuries. We might as well expect infancy to join in the vigorous sports of boyhood.

Concerning the early movements of this tribe, almost nothing is known. There is a belief among them that they came from the West, and they are still accustomed to speak of their home in the Southwest; but this seems to be as much conjecture as tradition, for when questioning among themselves as to the manner in which they came to be inhabitants of this eastern part of the continent, they are naturally led to suppose that they emigrated from the West, as that is the only direction from which a journey by land would be possible.

One point seems well established. There was a time when the Micmacs inhabited the region formerly known by the name of Acadia, in connection with another tribe, called by them the Kwēdechk,* who were, according to tradition, the original inhabitants of the country. The two were soon involved in war, which lasted for many years, the contest presenting all the features common to Indian warfare, — spies, scouts, surprises, slaughter of men, women, and children, and torture of captives. Numerous stories are still told among them of the commencement, renewal, and close of the Kwedech war. As might be expected, these are tales of Micmac triumph. Whatever were the varying fortunes of the war, the Kwedechk were forced to move across the Restigouche River, and finally into some more remote part of Canada.

In the struggles which were made for the ownership of Acadia, the Indians frequently aided the French, and committed

* Kwedech, plural Kwedechk. It is not known what tribe this was.

terrible depredations on the English. It is their boast that, in their contest with the whites, they killed more men than they lost. All this contest has long ago ceased, and they now enjoy peaceably the privileges granted them by the provincial governments.

Their numbers, their language, and the power of old habits and associations have prevented them from changing rapidly; and on entering their wigwams and mingling with them for a short time, one cannot help observing that the customs and ideas of their ancestors are still strong among them, despite Christianity and the vicinity of civilization. A few have abandoned the old mode of life, and dwell in houses, cultivating a small piece of ground. Others have learned trades. They make excellent mechanics, but generally evince a dislike to regular employment. The power of the all-conquering tongue is well exemplified in their case: most of them can speak English. An Indian woman said to me, "I often wonder why our children learn so many words of English, while English children don't know one word of Micmac." I left her with her own explanation, which she would find more agreeable than ours would be. A few of them have received some English education, and it was from one of these I took my first lessons in the structure of the language, and the manners and customs of the people. From a gentleman * who has been many years among them as a missionary I have received additional information, and have had the pleasure of examining a number of their legends and stories, collected and translated by him. From these we may learn much concerning the man, and the conditions of his life in the olden time. In these the savage himself comes before us, and tells the story of his aspirations and fears, his privations and pleasures, his notions of honor, and the highest good. The golden age was not then.

The dwelling of the Micmac was a lodge, or wigwam, built of poles, and covered with bark, or the skins of animals. He had vessels of stone and wood, barks and skins for containing water, knives made of caribou ribs, and needles of bone. His dress consisted of skins, which he seems to have been very skilful in dressing, — using, for that purpose, an instrument

* Rev. S. T. Rand.

made of the leg-bone of the moose. The weapons used in war and hunting were bows and arrows, the latter headed with a stone; spears, tomahawks, and knives made of stone or bone. In fishing, they used wooden spears, of a peculiar form. Weirs are occasionally mentioned, but they seem to have known nothing of fishing with nets or lines. Implements of stone, both chipped and polished, are said to have been dug up; all that I have seen were of chipped stone, and bore a striking resemblance to the relics of the stone age in the Old World. Among the implements of polished stone, chisels, gouges, and axes, or adzes, are enumerated, while spear-heads, arrow-heads, and knives of chipped stone are frequently found.

Particular places in the wigwam were assigned to the different members of the family, and this arrangement seems to have been invariable. The positions seem to have been first chosen for convenience. The fire occupied the middle of the lodge; on one side of this, and near the door, sat the wife, and, beside her, but farther from the entrance, her husband. So unvarying was this order, that, to place a maiden thus beside a young man, and tell her that this was her place, constituted marriage. On the other side of the fire sat the older members of the family or the children. And visitors were invited up to the farther end of the wigwam, as a mark of courtesy. There were, besides, numerous small points of etiquette, always to be observed. The *lordship* of the father comes out very strongly. If a woman stepped across his bow or fish-spear, as it lay on the ground, he would consider it disgraced, and only fit to be burned.

The young people of different sexes were not allowed to mingle; and often a young man never spoke to the maiden who was to be his wife, and sometimes never saw her, until they came to be married. When one of them wanted a wife, he would suggest to his mother or grandmother to make an evening visit;* or, if he went into a strange place on such an errand, he must treat with the parents of the maiden. One cannot read their stories, without remarking the condition of woman among them. It is not so much a state of subjec-

* *Wellōgumitoogwet*, to make an evening visit, is equivalent in Micmac to going in search of a wife.

tion and hard labor that is noticeable, as the fact that she is a being of almost no moment. The young man starts on his perilous journey in search of a wife, because his mother has grown old, and can no longer take care of the wigwam; and he wants some one to dress the game he takes, and prepare it for the coming winter. Once, indeed, we meet with a young hunter, who, having killed a raven, was struck with the beautiful contrast of the three colors, as it lay bleeding on the snow, and vowed that, if he could find a maiden with a face as white as snow, cheeks as red as blood, and hair as black as a raven, he would marry her; but he soon forgets his resolve. The woman, it is true, comes to be of a slight importance during the wooing. "The chief had a beautiful daughter," — so much of the story is devoted to her. After the wedding, she is lost. Occasionally, the mother appears as the ally of her little boy, who is just budding into a *boo-ōin*, and requires her aid in making the moccasins necessary for his intended journey. So far as he is concerned, she has no share in his triumphs. He leaves her behind, perhaps to be killed by his enemies; but, killed or not, she is evidently forgotten.

Their ideas of hospitality were such as are often met with among savages. The stranger went into the first wigwam he came to, confident of a kind reception; and when, in times of scarcity, it was known that one family had food, the neighbors would come in, without waiting for an invitation.

Their principal in-door amusement was the *altestâkun*, which was played with a sort of dice. Five pieces of bone of a hemispherical shape, and marked on the flat side, were put into a dish and shaken by the players in turn. Their out-door amusements consisted of races in canoes and on foot, dances, wrestling, and games of ball. "Who are you?" said one runner to another as they started for a race round the world. "I am Weggadusk" (Northern Light), said he, "and who are you?" "I am Wasōgwodésk" (Chain Lighting), was the modest reply. Their dances seem to have been a slow, measured step, and are spoken of as the common dance and the war dance, — n'skowwókun. Their musical instrument was a cheegumâkun, — a bark drum, which was beaten with a stick, and accompanied by the voice. Their vocal music may be divided

into four kinds, — the grunt, the yell, the doggerel, and the chant; for all of these appear to be dignified by them with the name of singing.

When the inhabitants of a village knew that an enemy was about to make an attack upon them, they would sometimes prepare a feast and invite the hostile party to partake with them. In this way a party of the Kwedechk were entertained by the Micmacs. When the feasting was over, a Kwedech warrior sprang up and commenced the war dance, brandishing his tomahawk and singing,

Hō ēgānu!
Hō ēgānu!

the Micmacs responding with a contemptuous grunt, hĕh ĕh! When the dancer had finished, a Micmac warrior took his turn, singing,

Kwĕdâlooktanoo!*
Kwĕdâlooktanoo!

the Kwedech responding, and the battle commenced. These songs are preserved by them with great care; and it is the belief among the Micmacs that if one of them were to sing their war-song among the Kwedechk, he would be immediately killed.

They seem to be able to throw their words into a kind of measure with no great difficulty, and the songs thus produced are not unmusical. I observed, however, that there was a frequent lengthening and dividing of words, and the introduction of unnecessary syllables to make the lines of the requisite length. Here is a scalping song which a Micmac woman told me she had heard sung by the old people. A schooner from Port Royal was detained at the Strait of Canso, and while waiting for a favorable wind was attacked by a party of Indians, who surprised, killed, and scalped the crew, consisting of four men. As the old warrior who led the attacking party came to the shore, the women crowded round his canoe, and when they saw his bloody trophies, danced back and forth on the shore, singing,

Tooēgunuk ō leeudoógunuk ō
Bâdâloodik ō lelâdâloodoogunak

* I must slaughter.

Wejee chēnumool nemeeâdek
Oo-maldēmeknumeedoodoogunâ.

He was going to the Strait of Canso,
He was eating at a table,*
When he saw a man his equal,
Then he saw his blood.

The tune of this is slow and cruel, well suiting the subject.

On festive occasions there seems to have been a great deal of singing and dancing. Nothing of importance could be done without a feast, but the wedding seems to have been the occasion on which the Micmac most fully gave himself up to jollity. If the parties to be married were of importance in the village, the preparations made were very extensive. A large wigwam was erected, and in this, besides the relatives of the bride and bridegroom, the chief, his subordinates, and all the principal men of the village were assembled. Although word was sent round, no special invitation was necessary; every one was free to come, and the guests who could not be accommodated inside feasted without. The ceremonies commence in the afternoon, and are kept up till the following morning. The bride comes in and takes her place, and for the first time eats with her husband. The men eat first, and when their meal is finished the women come in and remove the food. Then an old woman very quaintly dressed enters the wigwam, followed by a young girl. The old woman sings and the girl dances. This is the song: —

Mooēwâlanech,
Uksakumâmeenuk,
Kisâdâloówijik.

Let us thank our lords,
They have fed us
Till we were satisfied.

The bride makes her a present of some article of clothing, and every one present is expected to do the same. Then the chief makes a speech expressing his good wishes, and this is followed by singing and dancing. One of the warriors is called upon for a song and responds as follows: —

* This seems to have been considered by them a mark of consummate arrogance, and the fall of a man who had eaten at a table must be great indeed.

Koonâleeo kwanoodānā
Hō yeegu wanoodegeenu

The crowd outside, not restrained by the dignified presence of the chief and his subordinates, enjoy themselves to the full. Immense fires are lighted, and one man placed in the centre of a level space to beat the cheegumakun and sing while the others dance round in a circle. The songs are such as this:—

Wellâmâjul â	He speaks kindly to her,
Kesâlâjul ō,	He loves her,
Unkumâjul â,	He looks at her,
Kesâlâbun ō,	He did love her,

and many more, and the dancers keep up a shout of Matamalee-ā-hā!

They have many of these songs, and some have evidently been composed at no very remote date. One of them is in praise of a village beauty, Catherine. The burden of it is:—

Wen ō Kâdâlincheech,
Mâlee Kâdâlincheech.

The wife of my first tutor in Micmac sang me a chant of considerable length which she called her death-song. She had been making a journey for several miles, and was overtaken by a snow-storm while yet some distance from home; wearied out and bewildered she sat down to die. She thought of her father Peale sitting in his wigwam, ignorant of the fate of his favorite daughter Susā'ncheech, and thinking of this, put her thoughts into measure.

Many of their amusing stories are connected with some catch which embodies the joke. Notwithstanding the general gravity of the Indians, they are very merry among themselves, and very eager for intelligence respecting their own people in other places. The visit of a stranger is hailed with delight, and he is immediately plied for agunoodumâkun.*

Some knowledge of the ancient religious beliefs of the Micmacs may be gained from the legends and stories still told among them, and from the traditions which have been handed down from generation to generation. They seem to have given much less thought to the question of a First Cause

* News.

and Supreme Ruler of the world than to the various beings possessed of a higher or lower degree of magical power, in whom they firmly believed. Their stories are filled with the wonderful exploits of the latter, while the former is very rarely referred to. One of their legends mentions the case of a little boy who prayed to Kesoolk to allow him to grow up to manhood at once, and the request was granted. Their ideas of God have been much modified by Christianity, but their faith in fairies and magic seems unshaken. One old lady — the daughter of a famous hunter — told me that their ancestors knew no more about God than the bears, and other members of the tribe hold the same opinion. I am informed, however, by a gentleman well acquainted with their language, manners, and traditions, that there was anciently a belief in the existence of two great beings whom they called Manitoos or Menedoos, — the one a good spirit, the other an evil spirit. Since their conversion to Christianity this name has been used to denote the evil spirit only. There seems to have been also some idea of God as a creator, in which sense they applied to him the name Kesoolk. Nixkâm, another name for God, denotes that he is our father. Concerning their ideas of worship we know little. They appear to have had no idols, but were accustomed to make offerings, especially to the new moon. Some article which they prized — generally food — was presented to testify their joy at its reappearance; and if the offering disappeared, this was taken as a favorable sign.

They believe in fairies, whom they call wiggul-adum-moóchkik, — very little people. They live in the woods and are friendly to mortals, unless they are molested. They come out to dance and sing; and if you go far into the woods on a fine day and listen very attentively, you may distinctly hear the low sweet voices of these tiny immortals. They can sometimes even be heard shouting to each other across from cliff to cliff. If a mortal ventures to mock them, a cry is heard, "Toss him this way!" and the luckless wight is seized and hurled back and forth till he is bruised to pieces. The only way to escape them, when their wrath has been aroused, is to run to the nearest brook or river, for "a running stream they dare na cross," — they are afraid of wetting their feet.

Many of their great warriors in ancient times are believed to have possessed magical powers. One of these, called a boo-ōin, could raise a storm, cause excessive cold, increase or decrease his own size, take the form of some animal, his tčeōmul, and do many other things quite beyond the power of ordinary mortals. There were generally several of these in each village. Their exploits are recorded in the legends and traditions, and form the most important part of the accounts of battles and skirmishes. When asleep or taken by surprise, they might be killed like other men; but when they had time to get their magical powers in play, they were almost invulnerable. The belief in the existence of such men in past times is still very strong among them. "Something helped those fellows," said a well-informed Indian who had been telling me about them.

Still greater power was possessed by the megumoowĕsoos, who seem, however, not to have differed in appearance from ordinary Indians. They dwelt sometimes in the village, sometimes alone in the woods. They could endow others with supernatural powers, either permanently or transiently, and those who came in their way were generally well treated, unless there existed some strong reason for acting otherwise. On one occasion a youth, who had been ugly, lazy, and poor, received from one of these a valuable present, and was changed into a very handsome and athletic man and endowed with supernatural powers. What was his surprise, however, on reaching home to find that he was not only not recognized, but after he had made himself known, was told that he had been absent a whole year instead of the one night he thought he had spent in the wigwam of the hospitable stranger. When two megumoowĕsoos met, there would, of course, be a feeling of rivalry, and each would try all his might to destroy the other; and if a young man went to a distant part of the country on some expedition, seeking a wife, for example, he might expect the most determined opposition from the magicians of the land to which he went. On the whole, these men possessed so much power for harm, that an Indian would much prefer never to meet with one of them. There was one remarkable feat some of them could perform, — that of taking out their soul, or life, and

hiding it. In this case they could not be killed unless the life were found. A story is told of one old magus who kept his life hidden at the bottom of the sea. If a megumoowĕsoo feared that he might be attacked in the night, he might take out his life and hide it in some secure place, and then lie down to sleep undisturbed by any fear; for though his enemies might surprise him and cut his body to pieces, he could get up in the morning, stick on his head, hunt round until he found his arms and legs, put them together, and then recover his soul, and the only inconvenience he would feel would be a slight soreness.

Besides these, they believed in the existence of the Chĕnoo, the Kóokwĕs, the Cúlloo, and the Chéepichcalm.

The Chenoos were a tribe of cannibals, who lived in the north, and occasionally came among the Indians, seeking their prey. They were so terrible that their yell was fatal. Their weapon was a dragon's horn; and when this was thrust into the ear, it penetrated the head, and, if extended to a tree, wound itself around it in such a manner that it could not be unfastened. This was the only way in which a Chenoo could be subdued; but, even then, it was a very difficult matter to kill him. A fire must be kindled, and every particle of flesh consumed; for, if the smallest part remains, the Chenoo will spring from it again. After the flesh has been consumed, the heart must be melted. This is a block of ice, so hard and cold that it puts out the fire again and again. Cases are believed to have occurred of Indians becoming transformed into Chenoos, and of Chenoos being converted to Christianity.

The Kookwĕs was a huge giant, covered with hair, a cannibal, and possessed of magical powers.

The Culloo was a great bird, that occasionally swooped down, and carried off and devoured any one it could seize. There is a story of one of them being tamed. It was able to carry a large number of men on its back, and was quite obedient to its master, to whom it would talk, giving him advice, and aiding him with its magic.

The Cheepichcalm is introduced in almost all the stories. It was a terrible dragon, with yellow horns, and was the form often assumed by a boo-ōin when he wished to overcome an enemy.

The most interesting character whose doings are recorded in their legends is Glooscap, who may be looked upon as a sort of Indian Prometheus. One turns with pleasure from tales of dragons and giants' magic and slaughter to contemplate this genial and benevolent being; and a certain feeling of respect for the people capable of such a conception is at once awakened. All imaginable excellence and most remarkable powers are attributed to him, yet he is genuinely Indian, — a Micmac among Micmacs. He stands far above and distinct from all other possessors of supernatural gifts; and a sort of divinity rather than magic seems the foundation of his power. He is especially distinguished by his willingness to aid all who are in trouble. He lived among the Indians for a long time, occasionally changing his abode; and he is generally represented as grave, dignified, and hospitable. Blomedin is still called Glooscap-week, Glooscap's house. He was very often called upon for assistance by persons starting on some perilous adventure, and always gave his aid and counsel, sometimes changing one of the party into a megumoowĕsoo. His canoe, which is a large granite rock, or rocky island, is often borrowed, and though he complains that he generally has to go after it himself, he never refuses to lend it. His interest in those he assists never ceases; and he is present with them, though unseen, in all their adventures, assisting them in extremity, and rejoicing with them in their success. Nevertheless, he knows how to distinguish between the selfish and base and the generous and noble. He has no wife, but lives in a wigwam with an old woman, whom he calls "grandmother," and has one of the fairies, named Abistanăooch-marten, to wait on him.

Notwithstanding his general gravity, a vein of quiet humor runs through his character. One can fairly detect a smile in his eyes, as he sees the glum looks of his disappointed guests, when, instead of the savory meat of the moose or caribou, the old woman brings out a dried beaver bone, and scrapes a little of it in the pot, and prepares it for their supper, and share his enjoyment of their surprise, when they find the dish set before them to be so delicious that they can scarcely stop eating. Occasionally he can give and take a joke, as the following will show.

One evening, he had with him a visitor, named Kitpoosēágunow, who was a very great magician, and he determined to try his strength a little. So, when Kitpoosēágunow is about to go to his own wigwam, which is close by, Glooscap says: "The sky looks red; we shall have a cold night." Kitpoosēágunow understands what is meant; so he goes home and directs his brother, who is taking care of the lodge, to try out some porpoise oil, while he goes in search of fuel. This is done, and they build a roaring fire, and prepare to combat the cold. The porpoise oil is poured on, but, in spite of all their efforts, the fire goes out about midnight, and the brother is frozen stiff. But Kitpoosēágunow cannot be hurt, and, in the morning, is able to revive his frozen brother.

Next day, Glooscap and Kitpoosēágunow go out hunting; and, in the evening, when they are about to separate, the latter remarks, drily, "The sky is red again, this evening; we shall have a bitter cold night." It is now Glooscap's turn to struggle with the cold. So he goes home, and sends Little Marten out for fuel, and they build a great fire. But so excessive is the cold, that, by midnight, it is all out, and the old woman and Little Marten are frozen stiff. Next morning, Glooscap calls out, "Noogŭmē', numchâseé!" ("Grandmother, get up!") "Abistănāooch numchâsee!" ("Marten, get up!") And up they spring, as well as ever.

When the Indians were in want of anything, they were accustomed to present a small portion of it to Glooscap, and, if they were deserving, he would send them a large supply. Although he was often away from home, and no one knew exactly where he might be living, he could generally be found by any one who sought him.

After dwelling among the Indians a long while, he at length left them. According to some, it was on account of their sins; according to others, he was very much displeased at an insult offered to Little Marten by the Europeans. They invited the little fellow to look into a loaded cannon, which was immediately fired. When the smoke cleared away, he was discovered, sitting astride the gun, smoking his pipe. Ample apology was made for this slight mistake, and he was induced to creep inside the gun. Again it was fired, and,

as nothing could be seen of Little Marten, it was supposed that he had been killed; but, some one happening to look into the gun, there sat Abistanăooch, smoking away, as if nothing had happened. Glooscap, however, considered such trifling with his servant an insult to his dignity, and determined to leave the country. Sitting down by the shore, he began to chant,

Némăjeechk numeédich,
Némăjeéchk numeédich.

Let the little fish look at me.

Presently, a huge whale came up, and laid himself alongside the cliff. "You are too small," said Glooscap; "I want one large enough to touch bottom at this cliff." So the whale withdrew, and another of the desired size took his place, and asked, "Little grandson, what is it you wish?" "I wish," said he, "to be carried away across the sea, to a distant land in the west." "Get on my back," said the whale. This was done, and away they rushed, with terrible rapidity. At last, after swimming for a very long time, the whale began to see the bottom. He now inquired of Glooscap if they were not nearing the shore. "No," was the reply. "I think we must be nearing the shore," said the whale, "for I can see the shells at the bottom." But his passenger, who wished to drive him ashore, so that he could land easily, assured him that this was only a ledge over which they were passing. So on they sped, and at last the whale drove his head high and dry on the shore. Glooscap now lands, and, placing his bow against the whale, shoves him off into deep water again. "My little grandson," says he to the patriarch, "have you not a small piece of pipe to give me?" "I have," replied he; so he filled his pipe with tobacco, and put it in the whale's mouth. Away rushed the monster towards his home, puffing as he went, and sending up, at intervals, vast columns of smoke.

Glooscap has gone, but he will return. Although it is not known exactly where he now dwells, a number of visits have been paid to him by mortals very desirous of obtaining some great gift, but the way is hard to find, the journey long and beset by difficulties. Glooscap is not the sole occupant of this beautiful land in the west; two other personages, only inferior

to him, dwell there also, Keukw, the Earthquake, and Coolpŭjŏt (turned over with handspikes). The latter has no bones, and therefore cannot move himself, but he is rolled over twice a year by Glooscap's order. In the spring he is turned towards the east, in the autumn towards the west. Glooscap does not grant every request as the petitioner desires, but makes a wise discrimination. One man who wished to live a very long time was taken to the top of a very high mountain, covered with rocks, and there changed into a cedar, so gnarled, rough, and covered with limbs that no one would be likely to cut it down. Another who went seeking for a medicine that would cure all diseases, received a small package with directions not to open it till he arrived at his home. His curiosity overcame his judgment, however, and he opened and lost it. Others who asked for the cure of a bad temper, the power of making themselves beloved, and even aid in supporting a family, received what they sought. All the useful knowledge the Indians possessed, and especially the knowledge of good, was taught them by Glooscap, who encouraged them to look forward to a happy life with him after death. Their belief in him is strong even at the present time, and many grave discussions are held among them on the question, "Who was Glooscap?" Base indeed would be the Micmac, utterly depraved and given over to infidelity, who would maintain that there was "no such a person."

The prevalence of the belief in supernatural agency, so characteristic of mind in its infancy, is especially noticeable in the legends I have examined. Men possessed of powers different from those commonly bestowed are everywhere introduced, and multitudes of impossible achievements are crowded into one narrative. Violent contrasts, great results produced by means the most inadequate, seem especially acceptable. Thus a mighty boo-ōin is slain by a youth armed with a bow made of a twig, with a string consisting of a single hair, and an arrow of corresponding size, or a spear made of a small splinter; hungry men are fed from a small dish containing a morsel of food which never diminishes, and many other cases of a similar kind. Everything is charmed, and the Micmac is nothing if not magical.

The legends almost all commence in the same way: —

"Na meskeek oodŭm kăspĕmkŭ" ("On the borders of a lake stood a large Indian village"); or,

"Weegĭgijik kesegook" ("The old people are encamped").

They generally terminate abruptly, as though wonder-provoking incidents were sought rather than a well-executed plot, though this may be the fault of individual narrators. The fertility of invention is very small, for the same marvels are told over and over again, with slight variations to suit the conditions of different stories. Many of the legends record the adventures of some young man who went to a distant place to look for a wife. He has a great many dangers to encounter, generally meets with Glooscap and gets his advice and assistance, reaches a large village where an old chief resides who has in most cases three daughters, of whom the youngest is by far the fairest. Nothing less than a chief's daughter will satisfy the adventurer, and the fairest is promised him if he will perform certain tasks; these, of course, are soon accomplished, and the successful wooer starts for home, carrying off the maiden. Most of the magicians have the power of assuming the form of some animal, and in many of the stories there are men and women with the names of animals who are spoken of as real animals. The quality of their knowledge of natural history may be judged from the following: —

An Indian named Keekwajoo — the Badger — had gone into the woods to hunt, taking with him his little brother. They had been very successful and had laid in a large supply of food for the winter. About midwinter a little fellow named Abistănāooch, the Marten, pays them a visit, evidently with a desire to share in the good things of which there is such an abundance in the wigwam. He is kindly received, according to the rules of Indian hospitality. Another visitor soon after arrives, — Ablĕegumooch, — the Rabbit. They all dwell pleasantly together, telling stories to pass away the time.

Abistănāooch gives them a full account of the land where he dwells, and of his people. He tells them about Teeam the moose, Movin the bear, Kâleboo the caribou, Suntook the deer, Bŏktusum the wolf, Utkogwech the wild-cat, not forgetting such

humble personages as Adoodooech the squirrel, and Abukcheech the mouse.

Ablĕegumooch also has a good deal to say about the people he knows. He is a little inclined to boast; indeed, he pretends that he has once moved in high circles, lived among the aristocracy where they drink wine and eat biscuit and other nice things.

So one day Abistănāooch undertakes to quiz him a little.

"What is the cause of that slit in your lip?" he says, looking at Ablĕegumooch.

"O," is the reply, "where I live we eat with knives, and one day my knife slipped and I cut my lip."

"And why is it that your mouth and whiskers are always going when you are still?"

"O, I keep meditating and talking to myself, — that 's *our* way."

"What makes you always hop? Why don't you run and walk sometimes as we do?"

"Ah, that 's our style, we gentlemen don't move as the vulgar do."

"But pray, why do you scamper away so fast, jumping so far and so rapidly when you move?"

"Well, you see, I used to be employed carrying despatches (weegâdegunn) and got into the way of moving fast, and now it comes natural."

The story of the two weasels gives more of the same kind. Concerning the exact age of these legends I say nothing. They were translated from the Micmac by the gentleman who made the collection. Some of them bear evidence of contact with the Europeans, others may even have been learned from the French; but however that may be, they are most of them evidently Micmac in style and incident. In many instances they present striking resemblances to our own folk-lore, while at the same time their genuineness cannot be questioned; still the direct evidence they are capable of giving for or against a belief in the unity of the race is seemingly very unimportant.

The being with whom we are here brought in contact is rather a remarkable one. He possessed a keenness of obser-

vation and a shrewdness in interpreting appearances which are wonderful, and these are joined to a surprising narrowness of range. He could follow the trail of an enemy or lost child for days, with unerring certainty, and would lie down to sleep without setting a watch, when in imminent danger of being surprised and tomahawked. He lived in the very innermost temple of Nature, by river and lake side, mountain and bay, and was taken to the warm heart of the forest in winter; but his chief ideas of the beautiful seem to have been plenty of moose meat and a good opportunity for scalping an enemy.

The powers which he represented his magicians as possessing seem to be just such as a human being subjected to the conditions of savage life — uncertain supplies of food, inadequate means of defence against enemies — would be likely to desire; while alternate want and plenty, triumph and terror, would furnish groundwork for many stories, which, told with fanciful additions to the wondering ears of childhood, would in the next generation be looked upon as facts.

Far back in the woods, remote from any other dwelling, lived an old couple and their only son. The boy had grown up without seeing any one but his father and mother, and in fact ignorant that there were any other human beings. The old man's name was Kâ'ktoogwâk, — Thunder, — and, according to a common custom among the Indians, the son was called Kâktoogwâ'sees, — Little Thunder.

One day Kâktoogwâ'sees notices that his mother is losing her eyesight, and asks her, in surprise, what is the matter. She tells him that she is growing old, and can no longer attend to her domestic duties, and that he must go and find some one with good eyesight, to keep the wigwam. She then gives him the necessary directions concerning the preparations to be made and the journey to be taken. She assists him in preparing a wedding suit, — "kelóolkŭl âk weltĕ'gŭl," — pretty and well made; and when he inquires which way he is to go, she sends him away towards the setting sun. He must go west. Day after day he travels on, carrying in his hand a bundle containing his fine clothes, which are to be put on only when he has reached the village in which dwells the maiden

who is to be his wife. At last he has come almost to the place of sunset, when he hears in the distance, up a long valley, the sound of the altestâkun, and soon comes upon the wigwam where the play is going on. He finds the chief, Keekwâjoo, just in the excitement of completing the game. Keekwâjoo — the Badger — invites him to a seat in his wigwam, treats him very kindly, and he remains there for the night. Kâktoogwâsees tells where he is going, and the nature of his business. In the morning, after breakfast, the chief says to his comrades, "Friends, cannot some of you accompany our young brother on his expedition?" They tell him that he is himself at leisure, and advise him to go. This he resolves to do, promising himself great sport on the expedition.

The two go on together, and soon reach a large point of land, where stands a man with one of his feet doubled up to his side, and tied there. Keekwâjoo, who now takes the lead throughout the tale, inquires of the stranger why his leg is tied. He replies that this is done to prevent him from running away. If he were to keep both feet free, he would run so swiftly that he would go round the world in a short time. The chief says to him, "I and my friend here are going to attend a great celebration; will you join us? You will make an important addition to our party." He replies that he is at leisure, and will go. The three now go on together, till they reach another great point of land, where they see a man with his nostrils tied up. On inquiry, they are informed that his breath is so strong, that if he were to unclose his nostrils, such a hurricane would be raised as would sweep them all away. Keekwâjoo, however, will not be satisfied without an illustration of this remarkable power, but has good cause to repent of his unbelief; for no sooner does the stranger open his nostrils, in compliance with his request, than poor Badger is lifted from the ground and whirled about with the greatest violence by the storm thus raised. Clinging to a rock, with all his might, to prevent himself from being blown away, he calls to the mighty man to close his nostrils, which he does, and it is calm again. The adventurers now request their new acquaintance to join their party, and he accepts the invitation. They go on together, and their next remarkable adven-

ture is an encounter with a wood-chopper of such great prowess that he cuts down the loftiest pines, and uses them for his fencing-poles. He, too, is invited to join the expedition, and would like very much to do so, but there is one objection. Gooōwā'get — the Pinechopper — has a large family to support, and if he were to leave them for any length of time they might suffer. Keekwâjoo proposes a plan by which this difficulty may be obviated. They remain all night at the wigwam of Gooōwā'get, and next morning make a raid upon a neighboring town, and so satisfactory are the results of their expedition that Pinechopper agrees to join the wedding party.

The five friends now proceed together, and when night comes on they encamp. Gooōwā'get is directed to gather wood and make a fire, while the others go out in quest of game. They soon return, having killed several rabbits, and find that their comrade, always accustomed to do things on a large scale, has built an enormous fire. Keekwâjoo informs him that he has quite overdone the matter, and that next time he is to make only a small fire. So they remain all night. They roast their meat before the fire, stuck on sticks, eat their suppers, and lie down and sleep.

Next morning the party are again astir, and push on till it is time to halt again for the night. This time Pinechopper is left to prepare the wigwam, while the rest go into the woods to look for something to eat. The hunting party soon return with a caribou; and when they bring in the meat ready to roast, they find that their friend has felled huge trees and built a mighty lodge, and has kindled in the centre a very small fire. The chief tells him that he has overdone his work in another way this time, and that in future he need not build any shelter, but merely kindle a small fire.

Next night they arrive at the lodge of the celebrated Glooscap, and are kindly received. Keekwâjoo wishes to smoke, and Glooscap gives him a pipe so small that he can hardly see it. But he smokes away with it, and to his great surprise finds that it answers the purpose admirably. The host next sends Little Marten for a supply of water, and the kettle is put over the fire. The old woman brings out a small beaver bone and scrapes it into a wooden dish. These scrapings are put into

the kettle and the fire is replenished. "We shall make but a sorry supper out of this," is the thought of the Badger chief, who has been watching the preparations very eagerly. But he should have known better than to doubt the hospitality and superhuman power of his host. The water begins to boil, the little scrapings thicken and thicken, until they become large pieces of meat, fat and lean, and the hungry travellers find the food not only abundant, but very delicious. Keekwâjoo is hardly able to leave off, and eats so enormously that he makes himself sick.

After breakfast, next morning, Glooscap sends Little Marten to examine their weirs. He soon returns, saying that they have caught a small whale. Glooscap now takes Keekwâjoo down to the sea, and directs him to bathe. When this is done, he brings him out a whole suit of beautifully adorned clothes, and tells him to put them on. He does so, and is now endowed with supernatural power; he has become a megumoowesoo. Glooscap now directs him to go down with Marten to the shore, and tar the canoe, and stop all the leaks. So down to the shore they go, but Keekwâjoo can see nothing that looks like a canoe. He sees a singular-looking rock on the shore, but no canoe. On turning this rock over, however, he discovers that this is, in fact, a canoe, and they proceed to execute Glooscap's orders. When they return to the lodge, the chief requests the great magician to prepare him to encounter the dangers and difficulties of the way, for he is sensible that they are great. Glooscap replies that this is true, and proceeds to give him direction and advice.

Amongst the dangers to be met with, he tells him of a lot of beavers, one of which will be very fierce and attack them. This is a powerful magician, who has assumed this form, in order that he may be able to upset the canoe. Keekwâjoo is directed to take a chéegumâkun, and beat upon it, singing, at the same time, as well as he can. If he can charm the beaver with his music, so that he will come out of the water to listen, he is safe. In that case, he will do him no injury.

Having received their instructions, the adventurers proceed on their journey. After going a long distance, and meeting with minor obstacles, they at length approach a point where

they see a beaver's tail, just above the surface of the water. They approach cautiously, Keekwâjoo singing and playing upon the chéegumâkun. The music has the desired effect, the beaver withdraws his tail, raises his head above the water, and listens, and the canoe passes by in safety.

On and on they go, until they come in sight of a large village. Here they land, and take the path which leads to the chief's lodge. They enter; and the chief, divining the object of their visit, gives his consent in the usual way, by addressing Kâktoogwâsees as his son-in-law, and inviting him up to the back part of the wigwam. The chief's name is Keukw, — Earthquake. Arrangements are immediately made for celebrating the nuptials, and preparations made for a great feast on the morrow. But Little Thunder proposes to give them a specimen of what he can do that very evening. So he dances the n'skwokun, and raises such a storm that old Earthquake is alarmed for his own safety. Thunder, lightning, wind, and rain are too much, even for him. "Hold! hold!" cries the terrified chief, "it is enough!" So they eat their suppers, and lie down to sleep.

Next day there is a large gathering around the old chief's lodge. The wigwam is completely filled with the subordinate chiefs and their men. Before the door they clear away a spot, level it, and make it smooth for the dancers. But before the games are begun, a rival makes his appearance, who has no idea of allowing the daughter of the chief to be carried off by a stranger. He is a necromancer, who has assumed the form of the terrible Chepichcalm, and comes right into the wigwam to seize and carry off the maiden. The Badger rises up and says to him, "What do you want here?" and, receiving no answer, seizes a tomahawk, and with one blow cuts off his head, while the others look calmly on. He then chops him into pieces, and tosses him out of the wigwam. The food is now brought in, and, after all have eaten, Earthquake directs the young men to begin the sport. The first contest is a foot-race. A man is brought in, with his foot tied up, and matched against Badger's comrade. A cup, filled with water, is put into the hand of each, and they are set free. They are to try which can run the fastest and the steadiest;

the race-course is the circuit of the globe. Badger's man comes in first, and his glass is full. After a few minutes, his competitor comes in, with his glass only half full. So the victory is with Little Thunder's party.

Next, the chief gives the word, and a game of wrestling begins. Another Pinechopper is brought out to contend with the champion put forward by the strangers. They are stationed by the edge of a precipice; and through the miraculous power of the Badger, imparted to his friend, their opponent is thrown over the cliff, and killed.

The sports now close. Little Thunder takes his bride, and starts for home. But the perils of the wedding party are not yet at an end. The warriors and magicians of this land in the far West are by no means reconciled to their loss, and would like to cut off the whole party, before they leave that region, and so revenge their numerous defeats. No sooner is the canoe out upon the open sea than they conjure up a great storm, and send it out, hoping to overwhelm and drown Kâktoogwâsees, and his comrades. But the Badger is equal to every occasion. As the hurricane sweeps on towards them, straight from the village they have just left, he orders the nostrils of the Blower to be unstopped, and all his powers exerted to the utmost to raise a counter-storm. The two storms meet and struggle for the mastery, but the contest is soon ended. Nothing can withstand the powers of the Blower; the magic of the necromancer fails, and his storm is blown back upon himself.

All the perils through which they passed, in their first voyage, are again encountered on their return. The Beaver waits for them at the same point, but is again rendered powerless for harm by Keekwâjoo's song, and the magical chéegumâkun. His wrath is turned to laughter; his formidable tail, which was to overturn the canoe, disappears; he puts his head above water and manifests his joy. That evening they arrive at Glooscap's lodge, and find him watching for their return. He congratulates them on their success, and proposes that they shall stay with him, and hold a second day's wedding. To this they all agree, and preparations are made for a great feast. Glooscap sends invitation to all the neighbors; and Little Mar-

ten is directed to bring in a troop of his friends, the wiggula-dummoćchkik. He washes himself, puts on his finest clothes, and goes out to execute his orders. Soon he returns, with a multitude of the very little people of both sexes, dressed and ornamented in the most exquisite manner, their clothes all covered with variegated wampum. Meanwhile the old lady, Glooscap's housekeeper, has exercised her skill to the utmost, and provided a supper worthy of the occasion. And now the whole company feast together. After supper there is dancing, in which all take part. Even Glooscap himself, though generally maintaining the character of a benevolent and dignified patriarch, joins in the pleasures he creates, and dances with the fairies and the rest. The dancing is kept up till daylight, and they take breakfast before the company separates. After breakfast, the fairies disperse, the wedding party leave the canoe where they had found it, and go on towards home by land. They pass the places already mentioned, staying all night where they had stayed before. At length they arrive at Pinechopper's wigwam, where they pass the night and leave their companion. The Runner, the Blower, and the Badger leave the party in succession, as their homes are reached, and at last Kâktoowâsees — Little Thunder — reaches the home of his parents, and presents to Kâktoogwâk — Old Thunder — his bride, the daughter of Keukw, — the Earthquake. The old people are glad to see their son, and well pleased with his choice.

There was once a widow who had two daughters, who were so white and fair that they went by the name of The Weasels, — Uskoolsk. One day their mother sent them out into the forest to dig ground-nuts, — seg'gŭbŭn, — and they lost their way. They wandered about in the forest a long time, trying to find their mother's wigwam, but in vain. When night came on, they prepared a place to lie down and rest till morning; but the strangeness of their situation and their fears kept them long awake. It was a clear night, the stars were shining brightly above, and at last their beauty attracted the attention of the lost maidens. After wondering for some time what they were, they began to fancy them the

eyes of human beings, and to speculate as to what kind of husbands they would make.

"Which would you choose for a husband," said the younger sister, "the large stars or the small ones, — the man with the large eyes or the man with the little ones?"

"I like the big stars best; I would prefer the man with the large bright eyes," replied the elder.

"And I," said her sister, "I would prefer the man with the small eyes. I like the little stars best."

After a while they fell asleep; and the younger, waking in the night, and happening to move her foot, touched some one who was sitting there.

"Take care!" said the stranger, "you have upset my nebijegwodē'" (medicine for the eyes).

Starting up to look, she saw a small, wrinkled old man, with his eyes sunk into his head, and so weak that they were nearly closed. The stars had heard their conversation, and the old man had taken her at her word. Immediately after, the older sister awoke; and happening to move her foot, touched some one, who called out, "Take care! you have upset my sekwŏn" (red ochre).

She sat up, and looked round, and lo! there was a tall, well-formed warrior, all arranged in his plumes and ornaments, with his face and arms painted in the gayest colors. But what most distinguished him was the size and brilliancy of his eyes, which were fixed upon the maiden who had chosen the large star. But they were told by the strangers to lie down and compose themselves till morning, and even then not to stir until they heard the squirrels singing.

"Do not heed the noise of Adoódooech, — the Red Squirrel, — but wait till you hear the voice of Abâlkakŭmech, — the Ground Squirrel; then you may get up." So they lay down and slept again, till daylight. They did not stir at the noise of Adoódooech, but waited for the voice of Abalkakŭmech; and when they heard his singing, they got up. What was their astonishment to find that they were at the top of a very large, tall white-pine. They had been meddling with matters too high for them, and this was the punishment. They were snugly enclosed in a nest, which kept them from falling; but it

was impossible for them to go down from it, without assistance. So the poor Weasels (for they are now spoken of as real weasels) wait and watch for help. Various personages pass during the day, and they ask assistance from each. The first to whom they apply is Teeâm, — the Moose.

"N'sesenĕn," they call to him, "our elder brother, come and take us down, and we will be your wives."

Teeâm looks up disdainfully at the little weasels, and replies, "I am already married; I was married in the autumn."

Teeâm passes on, and the next who comes by is Mooin, — the Bear. He is requested to climb up the tree and relieve the poor sisters from their perilous situation, and they promise to be his wives and wait on him. Mooin informs them that he has no need of a wife; he was married in the spring; and strides past, with a disdainful growl.

Next comes a beautiful little animal, more nearly resembling themselves. Abistanā'ooch, — the Marten. They implore his assistance, and make their offer, but he scampers off, telling them that he was married in the early spring.

They next appeal to Keekwâjoo, — the Badger. Now this Keekwâjoo was a mischievous fellow, very fond of playing practical jokes; so, when the sisters offer to become his wives if he will help them down, he accepts, hoping to have a little fun at their expense. He ascends the tree, and brings down the younger first. While he is doing this, the other sister, who understands his character and guesses his intentions, takes off her hair-string, and fastens it around the branch, tying it in a great many knots and in the most difficult manner. This sister is no sooner placed in safety on the ground than she exclaims, "I have forgotten my hair-string; bring it down to me, and be very careful not to break it." Keekwâjoo obeys, but finds that it takes a very long time to untie all the knots. Meanwhile the sisters build a small wigwam for his accommodation. When it is finished, they bring in a bundle of thorns and an ant-hill and hornet's-nest, with their respective inhabitants, placing them at proper stations in the wigwam. This done, they run away as fast as they can.

At last, Keekwâjoo has succeeded in untying the sŭggălō'bee,

and comes down. He sees the small wigwam, and hears talking and laughing inside. Supposing that, of course, the two maidens are there, he runs in. As the place is dark, he runs his nose against the thorns, which have been purposely placed in his way. Yelling with pain, he turns to run out, when he hears a voice, apparently that of the younger maiden, saying: "Nămĭskāle," — towards my (elder) sister. Plunging in that direction, he finds himself in the middle of an ant-hill, and is immediately attacked by the ants. Then he hears another voice saying: "N'kwechkāle," — towards my sister (younger than I). Rushing into the corner from which the voice proceeds, he overturns the hornet's-nest, and meets their terrible stings.

Keekwâjoo now perceives that he has been trifled with. His wrath and chagrin are great, and he starts in pursuit of the Weasels, vowing that he will tear them to pieces.

All this time the sisters had been scampering along as fast as possible. They have reached the bank of a wide rapid river, where they see no means of crossing. At last they discover Tumgoligunech,— the Crane,— standing at the edge of the stream. They go up to him and address him as "uncle," asking him to set them across. But he tells them he never works without pay, and they must acknowledge the beauty and elegance of his form and covering.

"Confess that I have straight and smooth feathers."

"Indeed, indeed, our uncle has straight and beautiful feathers," is the ready reply.

"Confess, also, that I have a beautifully long and straight neck."

"O, indeed, our uncle has a wonderfully long and straight neck."

"Confess that my legs are exceedingly straight."

"Yes, indeed, our uncle has exceedingly straight legs."

The vanity of the old fellow is now sufficiently gratified. He stretches out his neck, making it reach quite to the other bank and on this bridge the Weasels cross.

Scarcely had they reached the opposite shore, when Keekwâjoo comes rushing down in great haste and fury. He looks about for a crossing-place, and seeing none, asks the Crane, in

rather an abrupt manner, to set him across. Tumgoligunech will abate no particle of his dignity, however, and demands the same tribute of praise as he has just received. Unhappily for the Badger, he is in no mood for paying compliments, so when he repeats the admissions dictated to him by the Crane, he adds something which spoils the whole.

"Yes, yes, indeed, your legs are straight and beautifully pointed too."

"Your feathers are smooth and fine, indeed, and all covered with mildew and dust."

"Wonderfully straight neck you have, straight as this,"—picking up a stick and bending it back and forth.

So the Crane stretches his neck out across the rushing stream, and the Badger attempts to walk across on it. When he reaches the middle, the bridge begins to shake violently, and to sway from side to side, till at last the poor Badger is shaken off and plunged headlong into the stream, where he is rolled over and over and borne down by the current. He cries out, "I wish to land at Cajâligŭnŭch," where, indeed, he did land, being washed ashore upon the rocks and killed. Meanwhile the maidens went on, and by nightfall arrived at a deserted village, and went into one of the wigwams to pass the night. The elder of them, fearing the effects of magic, cautioned her sister not to touch anything. They see lying near the wigwam the neck-bone of an animal, and this bone the younger sister is not careful to treat with due respect. She kicks it, and in other ways shows her contempt for it. Soon after they have lain down to sleep they hear the Chŭmŭchkegwēch, the Neck-bone, shouting and complaining of the indignities put upon him, and using very indignant and reproachful language towards the one who had insulted him. The poor girl now begins to tremble.

"Did n't I tell you that you would kill us, if you were not more careful?" said her sister.

But this only increases her terror, and she implores her sister to conceal her. So soon as she speaks, the Neck-bone mocks her, repeating her words insultingly. They have no other disturbance, however, than the noise, and in the morning all is quiet. They continue their journey, in hopes of finding an

Indian village, and go on down the river near the shore. After a time they discover a young man on the opposite side, and call to him to help them across, making him the usual offer of becoming his wives. He lays his bow across the river and they pass over on it. He then tells them to go on their way, he has wives enough and does not require them. By and by they see a canoe with two men in it, and ask to be taken in. It is done, and the canoe goes on. The persons in the canoe are Kweemoo, — a Loon, — and Magwis, — a Scapegrace. As they paddle along, Kweemoo begins to admire the two strangers, and becomes quite captivated with their beauty of form and dress. He tells them that he is a native of the land of the Oweălkĕsk (a very beautiful sea-duck), and that he is one of the tribe. Magwis, however, gives them a hint "not to believe that fellow, for he is lying." In a short time they arrive at the land of the Oweălkĕsk and go on shore. The sisters are delighted with the appearance of the people, they are so beautiful in form and features and so splendidly arrayed and ornamented. The Oweălkĕsk are no less pleased with the whiteness and gracefulness of the sisters, and they are soon sought in marriage by two young chiefs, and the weddings celebrated with great pomp and rejoicings. They feast, dance, wrestle, and race on foot and in canoes. Poor Kweemoo is very much annoyed at his want of success, and tries hard to vent his spite on the people. During the canoe-race he contrives to overturn his canoe, and calls out for some of the young women to come out and pick him up, but Seaduck tells them not to mind him. "He 'll do well enough. He 'll not drown." So after staying in the water as long as he pleased, and finding that no notice was taken of him, he concludes to come on shore. And so the Two Weasels are at last comfortably settled.

William Elder.

Art. II. — The Government and the Railroad Corporations.

Two years ago at this time, and again one year ago, an effort was made in the pages of this Review to discuss certain matters incident to the growth of the wonderful railroad system of the country; to call attention to some of the abuses arising out of its present form of management; and, finally, to indicate, as definitely as might be, a few of the more obvious dangers with which this portentous development seemed to threaten our political institutions. The material and moral advantages of this development do not need to be dwelt upon; they are apparent to all. Neither the capital nor the labor of the country call for any exhortations to continue in the path which has been, and will long continue to be, so rich in results. The thousands of miles of annual construction, and the increased millions of wealth and of persons transported, are arguments sufficient in themselves. They do not, however, and never will, constitute the whole of the railroad problem, and it is very desirable that they should not sink into oblivion other and hardly less important considerations. It is to these last — the considerations appertaining to the moral and political no less than to the more obvious material development of a system — that discussion has been devoted in these pages. The character of this discussion has hitherto been wholly and intentionally descriptive. It is easy to portray dangers: it is very difficult to suggest remedies. It is natural to shrink from the latter task in the hope that a simple statement of what, when stated, is very obvious, may call forth from some other quarter — from statesmen or from legislators, from those whom experience or habits of reflection have better qualified to speak authoritatively — a fitting solution of a difficult problem. No such response has in this case been elicited. In place of it there has come up through the press and from private sources a voice rather of complaint at the shortcoming which portrayed difficulties and was silent as regarded the remedy. No one ignored the growth of the system or defended its abuses or sought to make light of the threatened dangers; neither did any one suggest any desirable innovation

in our system calculated to meet the acknowledged exigency. The discussion so far has been barren; mere statement has elicited nothing. Now that another year is passed, it is proposed to recur again to the subject. The discussion must, however, this time attempt a step in advance; the cure as well as the evil must be considered. Of course no solution of a problem which all Europe as well as America is debating is likely now and here to be arrived at through any happy inspiration. The day for that sort of thing is gone by, if indeed it ever existed. Any proposed solution is, however, at least of some value for purposes of discussion if for nothing else, and does contribute something, even if that something be only of a negative character, to the grand result.

In the first place, however, a certain amount of repetition is necessary. It would be futile to suppose that the papers referred to made at the time more than a passing impression, or that the facts and inferences stated in them are yet retained in the memory of any one. Neither is any such retention necessary. As regards the matters with which those papers undertook to deal, each year's development of the railroad problem repeats the story with striking variations. No article of this sort would be complete without a rapid glance at the growth of the system during the past year, and such a review is not likely to be at all devoid of interest. The first part of this paper will therefore be devoted to the preliminary statement of difficulties which should naturally lead to a suggestion of remedies.

The points in connection with the railroad system to which the public attention has heretofore chiefly been called in these pages are few in number. Most prominent among them has been the rapid growth of individual members of the system; the tendency to consolidation and combination in all the members; the scandalous, internal abuses, incident to corporate control, and, finally, the development of a disturbing if not controlling influence in our political system. A review of the incidents of the last year under each of these heads could hardly fail to be interesting, did time and space admit of it. As this, however, is out of the question, a few illustrations must suffice, from which much more may safely be inferred. In the matter of consolidation, for instance, — the massing of great

interests under one control, — it is unnecessary to dwell upon the details of growth of each of those four trunk lines now rapidly parcelling out among themselves all the Northern States east of the Missouri. The same principle of development, though manifesting itself through various outward phases, has controlled them all; *mutatis mutandis*, the experience of one is the experience of all. Take, for instance, the New York Central, the road which forms the nucleus of what is known as the Vanderbilt combination. Seventeen years ago it was not in existence as a corporation. In 1853 it was chartered and grew into life out of the six separate links, not one of them seventy-six miles in length, which divided the three hundred miles of road between Albany and Buffalo. This corporation was again, in its turn, merged in 1869 into the larger New York Central and Hudson River Raiload Company, which controls within the State of New York but little less than a thousand miles of track and much more than $100,000,000 of capital. The consolidation so far was perfect, and had taken place under a State charter and within State limits. Growth, however, did not stop here; the combinations of capital simply adapted themselves to the forms of a political system. Beyond the limits of New York the corporation held, in the eye of the law, no property; it did not control a mile of track. At Buffalo, however, the Central connected with another company, itself made up of four separate primal links which had once connected Buffalo with Chicago, and which had united in obedience to the same law of development which had built up the Central. West of Chicago came yet other links in the trans-continental chain. Three lines competed to fill the gap which lay between Chicago and the eastern terminus of the Pacific Road, — the Northwestern, the Rock Island, and the Burlington and Missouri. In the autumn of 1869 the consolidation of the Central and the Hudson River took place. Immediately afterwards, at the annual election of the Lake Shore and Michigan Southern, the Vanderbilt interest took open possession of that corporation, controlling a majority of its stock. In May, 1870, it in like manner assumed control of the Rock Island and Chicago and Northwestern. The same parties in interest were now practically the owners of a connected line of road from New York to

Omaha; there was no consolidation as yet, but, so far as the public and competing roads were concerned, the close of 1870 found the six parties which but a short time before had been in possession of the trans-continental thoroughfare reduced to three. Thus rapid had been the progress of consolidation, — the irresistible law of development of the railroad system. The inference is inevitable. Seventeen years ago six roads divided the route between Albany and Buffalo, and in 1853 these were consolidated into one. Three years ago four roads connected New York with Chicago, and these four were then reduced to two. One year ago five roads divided among them the distance between the Atlantic and the Pacific; six months ago these five were practically reduced to three. How long will it be before these three are reduced to one? How long before consolidation, as yet confined to connecting, will extend to competing roads? It is perfectly useless to discuss the question whether this massing of wealth and of power is desirable or otherwise. It is sufficient to recognize the fact that it is inevitable, that it is a natural law of growth. Legislation could only wage a futile war against it; checked in one form, it would devise another; by indirections it would find directions out. It has been steadily going on from the beginning; it is now going on, and it is not likely to stop. No legislation can prevent it, even were such prevention desirable. Any attempt in this direction will but result in a recourse to subterfuge, and the practical reduction of law to a dead letter. You cannot prevent, but you may, by looking at facts as they are, not inefficiently regulate. How this can best be done is the problem.

One fact must be accepted to begin with, — the railroad system has burst through State limits. Already not a few corporations have carried their operations into half the States of the Union. Capital does not recognize the territorial divisions of a common country; nominally it may evade them, but practically it destroys them. Either through the machinery of different corporations, or through consolidation, one great moneyed and managing interest is destined at no distant day to own every mile of railway on a direct line from New York to San Francisco. In what must such an ownership inevitably

result? It is not wise to attempt to deal with a too remote future; but in this instance the future is very immediate, and the question at issue involves some of the most delicate considerations connected with our federal system.

What is known as the doctrine of States rights — the invaluable centrifugal force of our political organism — fell into much unmerited odium through its abuse during the progress of the irrepressible conflict. It was and is a most useful and essential feature in our constitutional polity. The American people still hold it in strong affection, and cling tenaciously to State lines and State authority. Nothing which tends to obliterate the one or diminish the other is regarded with popular favor. This is particularly the case in view of the great and growing incompetence so manifest in the national Congress. Nothing that this body now has to deal with is treated in a large and comprehensive spirit, and its legislation is almost invariably composed of shreds and tatters. Thus people do not look with favor on the prospect of yet other great and delicate interests devolving upon it. All this is true, but it will not avert the inevitable. It may be very unfortunate that our great lines of railroad should become national routes, but such considerations cannot control the fact; national routes they are, and as such they cannot much longer be organized or controlled under State laws. The Federal government must assume a certain degree of active jurisdiction as regards them, and that very shortly. The Constitution, under the clause authorizing Congress to regulate commerce between the States, clearly warrants such assumption. Under this clause Congress has always exercised a control over navigable rivers; but the commerce between the States is no longer carried on by barge or by steamer, but by rail. The question for the consideration of intelligent observers is no longer, then, Shall the national government assume this control? but, How shall it be exercised when assumed? During every session for years past Congress has trembled upon the verge of legislation; a regulated railroad between Washington and New York being the alleged necessity. Everything that has gone upon the statute-book looking in this direction, like the Pacific Railroad business, or the land-grant

system, has been of the most unfortunate character. Hitherto, however, nothing has been done which necessarily compromises the final result; no irrevocable step has been taken. That, when taken, it should be taken right, is of the last importance.

Besides the consolidation of connecting roads, another phase of the same gravitating movement was discussed at some length in this Review a year ago. In many of the States legislation has been directed against the consolidation of competing lines. Two years ago an act forbidding it was passed in New York, and more recently a provision to the same end has been incorporated into the Constitutions of Illinois and of Michigan. It is wholly unnecessary to say that all such measures of State legislation are utterly futile, almost childish. These giants have some time since outgrown State swaddling-clothes. Even had they not, the character of such legislation is most open to criticism. Certainty and responsibility in management are two of the most important requisites of a good railroad system. This is peculiarly the case in America, where almost our only machinery for the correction of abuses lies in the degree of concentration with which public opinion can be brought to bear in a given direction. If our people distinctly feel an evil and can be made to see that some one is responsible for it, there is no interest nor combination of interests which can long resist the pressure. So far as railroads are concerned, competition puts both certainty and responsibility out of the question; it renders the first impossible, and, by dividing, destroys the last. A most conclusive illustration of this proposition, as well as of the utter insufficiency of State legislation to deal with the subject, may be found in the experience of the last year.

The system of transportation of freight through the agency of what are known as the colored lines is now pretty generally understood. A large number of cars, colored red, white, or blue, according to the organization to which they belong, carry most of the through freight, in regard to which competition exists, from West to East. These cars in some cases belong to the railroad companies, and, in other cases, to individuals; n no case, however, do they operate for the companies indi-

vidually, but for a combination of which the particular company owning the cars is a member. This combination constitutes a copartnership of corporations, having its complete and separate organization of clearing-house, accounts, clerks, agents, and runners, carrying on operations all over the country, and forwarding freight in every direction. The profits of the business are divided among the roads or individuals of which the combination consists, on a basis established in advance. The combinations are, in fact, freight express lines. During the last year the competition between these lines, and consequently between the roads over which they were operated, was bitter in the extreme. The rates made East and West were simply ruinous. On certain descriptions of freight they literally were reduced to nothing, and cattle were carried over the Erie road at a cent a head, as against one dollar a car, the rate charged on the Central. On other articles the reduction was not so great, but, both on passengers and goods, rates were purely nominal, and hardly averaged a third of the usual amounts. Of course this could not last. Early in September representatives of the competing lines met in New York, and proceeded to put a stop to competition in the one way possible among monopolists, — by combination. The parties in interest were the Central, the Erie, and the Pennsylvania Railroads. The competition was mainly from Illinois to New York. In both Illinois and New York laws forbidding the consolidation of competing lines were in force, and all the roads were carrying on operations in one or both of those States. At the meeting in question it was decided to "pool" the earnings of the colored lines to all competing points; in other words, all receipts from that business which was supposed to receive a peculiar benefit from competition, were to be paid into a common fund, competition was immediately to cease, fixed rates were to be charged, and thus, at last, all the great trunk lines were to be practically consolidated, in so far as the business community was concerned. This arrangement was agreed to, but broke down for the moment because of quarrels among certain of the individual contracting potentates. The two irreconcilables were Gould and Vanderbilt, who represented two New York roads; and yet the New York statute-book contained a recently

enacted law intended to prevent and render impracticable any combination like the one agreed upon. Not being able to effect the desired arrangement there, certain of the same parties went to Chicago, in a State where a similar provision to that in force in New York had been made a part of the Constitution, and there they actually did enter into an agreement, under which all the roads between Chicago and Omaha "pooled" their receipts between those points, and this contract went into effect. Yet no law, no constitutional restriction, was violated. No law, in fact, could be framed which would meet the case, and the solemn efforts to accomplish it were simply illustrative of the extreme ignorance prevailing among fairly intelligent men as to the practical limits of legislation.

The failure of the New York negotiation was, however, only temporary; the thing will be done, and, moreover, it is by no means clear that it is not best for the community that it should be done. In this combination at last will be found both responsibility and certainty. Rates will no longer vary with every season and to every city; points destitute of competition will not be plundered, as they now habitually are, that competing points may be supplied for nothing. During the last summer many towns in New England were charged upon Western freights heavily in advance of the sums charged for carrying the same freights on the same roads a hundred or two miles farther on. All because, through competition, the farther point was served at a loss to the carrier, and, therefore, the nearer had to pay the road profits for both, besides replacing the loss. The agents of the roads do not seek to deny this; they acknowledge and defend it. They say, and say truly: "We must live. If our through business is done at a loss (and they show that it was done for nothing), then our local business must pay for all." This was the case in New England. The cities of central New York fared no better. During a war of rates, almost any manufactured article will be carried from the seaboard to the West for perhaps one half of the amount charged for carrying the article there from a semi-interior point. So also as regards Eastern freights. Syracuse, Rochester, and the like class of cities can neither compete on equal terms with Boston in the markets of the West, nor with Chi-

cago in those of the East. The discrimination against them is said to amount in certain cases to ten per cent of the whole value of the article transported. Neither, under the existing system, is there any remedy for this evil, and a consciousness of this fact, of the risk to which they are continually exposed, has caused the breaking up of many manufacturing establishments at interior points.

Again, the element of gambling is not considered as an advantageous one in the transaction of business. To eliminate it, to equalize, to insure stability and an even operation of natural laws in trade, is one attribute of an advancing civilization and a chief result of science. Does not a sudden change in a tariff — a change sprung on the community in an hour, ranging all the way from one hundred to fifteen thousand per cent on all classes of freights — infuse an element of chance into current transactions? Just this fluctuation took place in September, 1870. How, also, can the business community deal with certainty, or make orders or contracts, when to-day it may cost far more to send goods from Boston to Chicago than from New York, and to-morrow New York firms may have to ship their goods to Boston as the cheapest way of getting them to the West. Thus competition by rail, unlike that by sea, knows no law of supply and demand; there is always a given supply of machinery, wholly irrespective of the demands of trade. Here, then, is no certainty, no stability; a great evil exists; yet who is to be held responsible for it? Upon what point is public opinion to be concentrated? It cannot be on the system, for nothing of the sort in an organized form exists; neither can it be on individuals, for they clearly cannot control events, otherwise there would be no recourse to "pooling." The responsibility, in fact, is absolutely divided away; it does not exist.

States and legislatures will doubtless for some little while longer cling to the idea of competition as regulating tariffs by rail, but it must break down in the end. The value of competition as affecting the railroad service lies in the superior quality of the service it exacts, the promptness, comfort, civility, and general regard to the wishes of the public. This is instantly apparent to any one who passes from the compet-

ing roads east of the Missouri on to the Central Pacific. These things no law can regulate, but competition does; the whole subject of rates, on the other hand, the law can and ultimately must regulate. Competition merely causes them to fluctuate wildly, according as an internecine war or a combination to plunder may for the moment prevail.

A fixed *minimum* of railroad charges is no less essential to the community than a fixed *maximum*. One point or section or town cannot, on such a vital matter as transportation, be at the mercy of a competition which may exist to another. The moment it is, all stability and certainty vanish from industry. Such an element of chance is worse even than the droughts and ice which affected carriage by water. How and by whom is this great business of transportation through monopolies to be regulated? One man cannot buy up Lake Erie or the Missouri, and drive away from their waters every boat not owned by him; yet channels more important to the trade of a continent than any lake or any river, no matter how large or how long, are now held in practical ownership by a few of the most notoriously unscrupulous men in the whole land, to be regulated as to them may seem good. Under the present *régime* they cannot even be held to a responsibility. That such a system should be permanent is the reverse of probable.

There only remains sufficient space to allude to one more subject in this connection. The power of these corporations in the hands of corrupt men as a disturbing and degrading influence in our politics, and the crying abuses so notorious in the internal administration of corporate affairs, have of late occasioned no inconsiderable degree of public solicitude. Examples of both descriptions of evil referred to are always at hand, and the year just past has been peculiarly prolific of them. Certain instances, however, pall by force of repetition; certain men succeed in acquiring a pre-eminence in infamy which actually destroys their value for purposes of illustration. The world grows weary of hearing of them. The frauds and outrages in the Erie management, for instance, have, perhaps, been dwelt upon *ad nauseam*. Not that justice has been, or, outside of a prison door, well can be done to their perpetrators,

but nothing implicating them can longer excite surprise. From the leading criminals themselves to the counsel who revel in their dirty work, these men have now brought all the discredit they can on everything with which they live in contact, from American credit down to the New York bar. It is, therefore, hardly worth while to go on with the contributions of another year to their long bead-roll of offences. A new illustration from other quarters of the abuse of political influence would be more effective. Even if no evidence should be found to exist of the perpetration of fraud, yet the opportunity for it may exist so evidently, — the way, if the will were only there, — that the propriety of removing from erring humanity such an ever-present temptation may prove a subject worthy of grave discussion. Upon looking over the broad field, various scandals at once suggest themselves. The incidents of the recent Congress and its suspicious squandering of public lands would naturally be the first. Especially those vast grants which have endowed a single corporation — the Northern Pacific — with an appanage nearly equal to a dozen States of the size of Massachusetts, and hardly, if at all, falling short of the united areas of the five second-class European kingdoms of Denmark, Holland, Belgium, Portugal, and Greece. At one time during the last winter there were railroad schemes pending before Congress which appropriated four hundred million acres of the public domain, — an area larger than the whole original thirteen Colonies. Of the Southern States it would be mere waste of time to speak. Their railroad bond transactions command no confidence, and would not reward the trouble of exposure, however plentifully they might furnish the material of bitter satire. New York, its legislature, its courts, and its corporations, are, for reasons already given, outside the pale of discussion. The case here is conceded, and the $ 5,000,000 check which the thoughtless Vanderbilt signed without a glance, as a mere detail in the business of a morning, is as inadmissible as are the unending wars of Colonel Fisk, or the experiences of Mr. Burt in the committee-rooms at Albany. Massachusetts next offers a tempting field, but perhaps on an insufficient scale. The Hartford and Erie proceedings were as gross an outrage on common honesty, and

even common decency, as lawyer ever sought to palliate, or a venal lobby to sustain. That a corporation should waste its substance in stock-jobbing, and gamble away funds held in trust in operating for its direction's benefit in its own securities, is notable enough; that beyond all this, the same corporation should persuade a legislature to loan it yet other funds to replace those lost in the game of chance would seem incredible. Yet all this took place, and the veto power alone saved the honor of the State. Neither were the proceedings in New Hampshire devoid of interest. In that State the proceedings, both of the executive and of the legislature, strikingly illustrated the vicissitudes of corporate life. A president-governor played for his railroad with its stockholders, and the legislature was umpire in the game. These examples might be too local in their interest. Illustrations may equally well be drawn from larger corporations operating in more central sites; take, for example, the record of the Pennsylvania railroads in the legislature of that State.

The Pennsylvania Railroad should need no introduction to any American reader. It is probably to-day the most powerful corporation in the world, as, indeed, it owns and operates one of the oldest of railroads. Its organization, as compared with that of its great rival, the New York Central, bears the relation of a republic to an empire. Cæsarism is the principle of the Vanderbilt group; the corporation is the essence of the Pennsylvania system. The marked degree in which the character of the people have given an insensible direction to the management of their corporations in these two States is well deserving of notice. In New York politics the individual leader has ever been the centre; in Pennsylvania, always the party. The people of this last State are not marked by intelligence; they are, in fact, dull, uninteresting, very slow and very persevering. These are qualities, however, which they hold in common with the ancient Romans, and they possess, also, in a marked degree, one other characteristic of that classic race, the power of organization, and through it of command. They have always decided our presidential elections; they have always, in their dull, heavy fashion, regulated our economical policy; their iron-masters have in truth proved iron masters

indeed, when viewed by other localities through the medium of the protective system by them imposed. Not open to argument, not receptive of ideas, not given to flashes of brilliant execution, this State none the less knows well what it wants, and knows equally well how to organize to secure it. Its great railroad affords a striking illustration in point. It is probably the most thoroughly organized corporation, that in which each individual is most entirely absorbed in the corporate whole, now in existence. With its president and its four vice-presidents, each of whom devotes his whole soul to his peculiar province, whether it be to fight a rival line, to develop an inchoate traffic, to manipulate the legislature, or to operate the road, — with this perfect machinery and subordination there is no reason why to-day the corporation should not assume absolute control of all the railroads of Pennsylvania. Indeed, it could take possession of the State government, if it really desired to do so. His Excellency the Governor might very appropriately be one of the vice-presidents of the road, and, indeed, while such a connection would add largely to the executive influence, it is doubtful if it would proportionately increase the political power of the corporation. Such solidity in one party to a conflict is almost sure ultimately to overcome the *élan* of rivals like those it has to encounter from New York.

Such is this great corporation, high in credit in the money markets of the world, careful withal of its outward repute, apparently unbounded in its resources. Organized so long ago as 1831, it had thirty miles of road ready for operation in the succeeding year. Not until 1854, however, was the Pennsylvania Railroad proper completed. It then controlled the line from Harrisburg to Pittsburg, two hundred and ten miles, which had cost a little less than $17,000,000, and was represented by about $12,000,000 of stock and $7,000,000 of indebtedness. This might be considered the starting-point; $3,500,000 of annual gross earnings on a capital a little less than $20,000,000. For many years its growth was confined to Pennsylvania. In 1869, however, its policy in this respect underwent a change, and it burst through State limits, extending its field of operations over the vast region lying between the

great lakes and the Ohio upon the north and south, and the Missouri on the west. The corporation now owns nearly four hundred miles of road in Pennsylvania, and directly controls twelve hundred miles more, almost entirely within the same State; beyond its limits it leases and operates nearly sixteen hundred miles in addition,* holding the stock and bonds of railroads, canals, towns, and cities, like some vast *Credit Mobilier;* it has, indeed, no less than $20,000,000 standing on its books as represented by these investments. Meanwhile in the sixteen years its own capital and indebtedness has swollen from $20,000,000 to $65,000,000, with a liberty secured to increase them to nearly $100,000,000; at the same time the system of roads which it holds in its hands returns a yearly income of hardly less than $40,000,000, of which about $10,000,000 is claimed as net profit.

When it is remembered that one third of all the railroad mileage in Pennsylvania is directly controlled by this company, some idea may be formed of the influence exercised by it in a legislative body, famous since the days of Nicholas Biddle for subservience to moneyed influence. This corporation, however, does not stand alone; mighty in itself, it is also the acknowledged head of that secular railroad hierarchy which shapes the destinies of Pennsylvania, and is immediately represented in every branch of the national government. It is, indeed, intrenched in power, and, while it avoids all noisy scandal, it may also defy attack.

In the winter of 1870 the Pennsylvania combination was as busily engaged as ever in its schemes of expansion, and was casting its eager eyes about in search of ways and means. These finally rested on no less a quarry than the sinking fund of the State itself, solemnly pledged by constitutional provision to the payment of the public debt. It amounted to $9,500,000, and an attempt upon it was resolved. The

* As these pages are passing through the press it is announced that the Pennsylvania Railroad has further effected a lease of all the property of the Camden and Amboy corporation. The value of the property thus transferred is stated to be over $40,000,000. As the entire region north of the Potomac must now be regarded as parcelled out among the four contracting powers, this might deserve, in so far as the Erie and New York Central are concerned, to be referred to as a "portentous rectification of frontiers."

necessary arrangements were silently perfected. The Constitution of the State bristled with adverse provisions. In order to prevent "log-rolling," it was provided that but a single measure could be contained in any one bill; another clause directly inhibited the Commonwealth from having financial relations with any private corporation; a third clearly asserted the sacred character of the sinking fund, and guaranteed it to specific purposes. Each of these difficulties was circumvented. Every step of the process constituted a study in legal legerdemain. The several acts necessary to incorporate the various enterprises, which constituted the common bond of the combination, were passed separately, in accordance with constitutional requirement; to outward appearance they were proper, and even desirable measures. The organic acts thus lay on the statute-book, dead letters; it remained to infuse into them the breath of life. The legislature could still include but one subject in any single act, and could loan neither the public credit nor the public money to private corporations. Now came the masterpiece. One sweeping general act in relation to railroads directed the substitution of the bonds of these companies not yet organized, and whose roads were not commenced and might never be profitable, for the undoubted securities which represented the sinking fund in the treasury of the State. The legislature thus did not loan the credit of the State, did not lay its hands upon the sinking fund, it only, in the exercise of a sound discretion, substituted one security in the treasury for another; that the one security was undoubted, and the other less than doubtful, was notorious, but not set forth in the act. A more audacious scheme of plunder could hardly have been devised. The influence of great corporate wealth was sharply illustrated in the subsequent history of this measure. It encountered almost no opposition until it was submitted for executive approval as a law. The very press of the State was dumb, and if it did not actively sustain, was contented silently to acquiesce. So far as public opinion and the legislative department were concerned, a railroad combination owned the Commonwealth. Through some oversight the executive had not been secured; the bill was returned by Governor Geary with a veto message which should be lastingly

remembered to his credit. That the grounds taken in this document were irrefutable by no means accounts for the failure of the legislature to enact the measure into a law by the necessary two-thirds vote. It is difficult to say why the corporations shrunk from the conflict, — whether from motives of policy, or from pure surprise at such unwonted temerity. Shrink, however, they did, and, for the moment, the sinking fund of the Commonwealth was safe.

The Pennsylvania hierarchy is, however, never discouraged. This same measure, or any similar measure which it sees fit to urge, will ultimately become a law. Its method of procedure in all such cases is so organized, so silent, so sure, that it has cast a sort of spell over the mind and conscience of the State; resistance to it seems hopeless; a fatality accompanies its progress. Discuss the propriety of opposing it with intelligent Pennsylvanians, and their language is that of hereditary bondsmen; they may abuse it and pass all manner of harsh and, perhaps, unjustifiable criticisms upon its course and method of dealing, but to resist it, to regulate it, seems to them like a suggestion of the impossible, like a proposition to resist the tide or to regulate the sun.

Three essential features in the growth of the railroad system have now been briefly referred to and illustrated; the consolidation of connecting roads, obliterating State limits; the combination of competing roads, evading State jurisdiction; finally, the concentration under corporate control of a degree of wealth and influence greater than any existing machinery of State government can control. It is useless further to pursue this branch of the discussion. It might, perchance, be profitable to do so, were the difficulties, political and moral, which have hitherto been dwelt upon met in any quarter with a denial. This, however, is not the case. If the conclusions were not obvious from the experience of other States, the outrages annually perpetrated, both by courts and legislature, under the name of law in New York would place them beyond the need of proof. In that State even the corporate system itself has broken down. The stockholder has no longer a voice in the management of the affairs of the corporation. The annual farce enacted in the Erie offices, when the *de facto* possessors of that thoroughfare

go through the form of renewing their control over it, is an illustration in point. From whatever side the discussion is approached it leads to the same result. The existing railroad system, both internally and externally, as regards the legislature, the exchange, and the stockholder, — as serving the community by competition or through combination, is in an unsatisfactory and dangerous condition. Materially it is a great success; that fact has hitherto enabled it to support its abuses, and may continue to do so for some time longer. A rapid change, however, is visible even to the least observant. Competition was the soul of our system; yet competition is steadily yielding to the desire for combination. The corporate principle has failed no less than competition, and the idea of management through representation has already given way to the one-man power. Regulation through State authority has proved the saddest failure of all, for the energetic whole can hardly be controlled by the incompetent government of a part. None of these propositions can be successfully controverted. It only remains, then, to pass to the other and far more difficult branch of the discussion. The remedy is to be treated of; the next phase of development is to be considered. The prospect of any great result attending the present effort in this direction is not brilliant; while, however, not much is likely to be gained through the attempt, little is jeopardized by it.

That the national government must then, soon or late, and in a greater or less degree, assume a railroad jurisdiction, is accepted as an obvious conclusion to be deduced from the irresistible development of the system in a course it has hitherto pursued. The next question is when, and in what way, and to what extent, is this to be done? What is to be the basis of legislation? This now admits of almost infinite modification, ranging from public ownership on the one hand, to the most limited regulation on the other. The same may be said as to extent of jurisdiction. It may be assumed over all roads lying in more than one State, or it may be confined to certain trunk lines specially designated as military and post roads. These questions it is now premature to discuss. They constitute the final problem. All other proposed solutions of it, resting upon State regulation or State control, are but tempo-

rizing expedients, important simply as illustrating the practical value of certain theories. Such may prove instructive resting-places; they can hardly be the final objective. To these, however, attention should now be confined, for through them the ultimate results are to be evolved. Fortunately the national field is yet clear. The utter breakdown of all the existing State systems should at least be full of instruction to those who must build up a national policy. They will be hampered by no precedents, trammelled by no machinery, inadequate and yet existing, but they will be free to create a system both adequate to the needs of the age, and in conformity with the character of our constitutions. It is a work which in all probability must soon be undertaken, and one which might well task the ability of a Hamilton. It is greatly to be hoped that until some man competent to deal with it shall present himself and quietly assume the task, the present local chaos will be suffered to continue; otherwise we may all perchance find ourselves involved in some general muddle such as now exists in more than one locality. The preliminary difficulty in the case is very evident. It needs now to be stated with all possible emphasis, for it will continually present itself throughout what remains of this discussion, and must ever be borne in mind. The whole difficulty arises from the development of a material and moral power, or rather, perhaps, combination of powers, in our social organism which our political system was not calculated to deal with. At the time the framework of our government was put together, a system of necessary monopolies was the very last thing which was expected to present itself on this continent. Our governments, state and national, grew up among, and were calculated for, a community in the less complex stages of civilization. Our whole machinery looked to dealing with individuals, and that only in the least degree which deserved the name of government at all. The idea of one man, or set of men, combining to own in absolute monopoly the great channels of internal communication as they then existed, — the Hudson, or the Ohio, or the great lakes, — would have been regarded as a wholly inadmissible supposition, a contingency impossible to occur. Consequently no provision was made for it. No machinery was devised calculated to

meet such an improbable emergency. Yet that very emergency is now close at hand, if not already here.

To supply the national government with this supplementary power, to adapt it to the new exigency in order that it may not break down under it, is, however, the work of the morrow, and will be final in its character; that of to-day is fortunately not conclusive, but of a tentative nature; this, in short, is the period of transition. The roads are not yet out of the hands of the States; it is through them that the preliminary work is yet to be done. Something is to be derived from their experience in the past; the rest must come from their experiments in the future.

The tendency of popular thought is now undoubtedly towards the ownership of railroads by the community. The success of this system in Belgium, and the agitation in regard to it in England and in certain portions of this country, make it eminently desirable that the experiment should be tried, if only with a view of testing a theory and giving a new direction to inquiry. The present is also a time peculiarly opportune in which to make the attempt, for it can now be essayed on a small scale, involving, at most, interests comparatively trifling. The result, as bearing on the final national problem, could not fail to be most instructive. It is impossible, in view of past experience, not to entertain grave doubts as to the result of any experiment of this sort, made through the political machinery which exists in America. As regards the construction of a railroad system, it has repeatedly been tried and uniformly ended in failure. Pennsylvania, Ohio, Michigan, Illinois, and many other States went through the same sad experience. Every section with us had its claims, and those claims could not be disregarded. "Log-rolling," and the legislative "truck and dicker," were rapidly developed into an intricate study and lucrative profession. In Belgium, in France, or in Russia a government engineer can locate a railway, and there an end; it was found to be otherwise in America, and an impartial disregard of the figures of the census by no means resulted in a commercial success. It is, however, argued that it would be otherwise in the case of a completed system; that if our State governments could not construct, they could at least manage

railroads. This remains to be seen. That the government should engage in any business, whether as producers, as carriers, as bankers, or as manufacturers, is opposed to the whole theory of strictly limited governmental functions. Whether it is possible to secure a board outside of politics which would manage our railroads with a shrewdness and zeal equal to that displayed by individuals, stimulated by the hope of gain, is only to be decided by experience. That experience we probably shall soon have. Should, however, the experiment succeed when attempted by a State, no conclusion could safely be drawn as to its results in a national form. The Federal government is peculiarly and obviously unfitted for any work of the sort, — certainly until a thorough and sweeping reform of the civil service is effected. A purified political atmosphere may be imagined in which at some future time it would be safe for Congress to assume the management, through supervising boards, of certain designated continental routes; but any movement in that direction would certainly, and very properly, encounter a strong and determined opposition so long as the present condition of affairs exists, and could only result in increased corruption and commercial disaster. It is difficult also to see how even experiments at State management can succeed, except under most favorable auspices and on a very limited scale. They will inevitably be attempted, not on the local roads, but upon fragments of the great trunk lines. These no one State can wholly control. It can only possess itself of the fractional portion of the whole within its own limits. This cannot answer the requirements of the community, which distinctly demands a correction of the abuses existing in the main thoroughfares. Here is where the difficulty lies. Local lines can scarcely be purified and controlled, while the through lines are amenable to no law. Any effective reform must be tested in its application to these last, and these are already beyond State jurisdiction. While, therefore, an attempt at State ownership could hardly fail to be of great illustrative value, there are probably other directions in which experiment could more usefully be tried.

A safer solution of the difficulty may not improbably yet be found in effective regulation, than in State ownership. This

last looks to the destruction of the principle of private corporate life as the basis of the railroad system, and to the adoption of the whole of it into the body politic. Regulation, on the other hand, proposes to have the government, while preserving the separation between the body politic and all private industry, yet exercise an active control over its own creations. This is the tendency of legislation in many of the Western States, where the results of government meddling are still fresh in the popular memory. Foremost among these States is Illinois. In the remarkable Constitution just adopted there the great principle is for the first time recognized that the railroad system is exceptional among all industrial pursuits, and must be recognized and dealt with as such. This in itself is an immense stride in advance. It is the concession of a starting-point, the recognition of that new social and political force for which no provision had been made. When a deficiency is fairly acknowledged, we can in America feel a tolerable confidence that it will shortly be supplied. The provisions introduced into the Illinois Constitution are, indeed, crude and unsatisfactory, but they are a beginning, and they at least indicate vigorous minds at work upon the subject in the Northwest. A discussion of these provisions would bring into view at once the very point upon which our State systems have hitherto broken down in their attempts to deal with the railroad development. The probabilities are enormous also that the national system, whenever it takes the form of law, will break down on that same point.

The one striking feature of the Illinois Constitution is the strong resolve of its framers to do away with what are known in England as "private bills," and in this country as special legislation. It is unnecessary to dilate upon the nature of this abuse, which may safely be set down as the greatest danger to which any system of government is liable; it may almost be said to be the root of all political ills. Legislation should know nothing of individuals. All modern thought tends to the conclusion that the universe is controlled by general laws; and the belief in special providences is entertained only by the most superstitious. A sound system of government should recognize individuals no more than the laws of nature recog-

nize them. The law should apply to all, without discrimination for or against. The system of special legislation, on the contrary, from top to bottom, is based on a supposed necessity, which is taken for granted as existing, that privileges may be conceded to one or a few which it is not safe or politic to concede to all. Nature never acts in this way, nor will thoroughly enlightened governments do so, when any such exist. The Illinois Constitution deserves to be hailed as a great advance towards the realization of this idea. The framers of this instrument, when they came to dealing with railways, provided for their regulation these articles, among others: —

ARTICLE XI.

CORPORATIONS.

§ 1. "No corporation shall be created by special laws, or its charter extended, changed, or amended; . . . but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created."

§ 11. "No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line. . . . ."

§ 12. "Railways heretofore constructed, or that may hereafter be constructed, in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State."

§ 13. "No railroad corporation shall issue any stock or bonds, except for money, labor, or property, actually received and applied to the purposes for which such corporation was created; and all stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. . . . ."

§ 15. "The General Assembly shall pass laws to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises."

Now while it is conceded that special legislation is the bane of all government, it must also be conceded that special legisla-

tion has hitherto been found indispensable to any regulation of the railroad systems. The exception once conceded, every railroad came up and demanded its own special immunities and privileges, — its peculiar charter, which was a law unto itself. The extent to which this was carried may be inferred from the three thousand two hundred acts on the statute-book of Great Britain, and the one thousand on that of Massachusetts, — nine tenths of them, in each case, special legislation to meet the supposed requirements of an organized monopoly. The exception and its dangerous nature — the frauds which were perpetrated under it, and the lax and confused system of legislation it was engendering — long ago attracted the public attention and excited its alarm. The press raised its voice, and the people responded by inserting into more than one constitution provisions absolutely inhibiting the passage of any act of a private nature. In other States the Executive accepted the issue ; and in New York a long succession of vetoes has only recently vindicated the principle of general legislation. There was in each of these efforts at reform an element of fatal weakness. The fact that the railroad system occupied an exceptional position was ignored. Instead of conceding that this system was made up of a number of monopolies, in regard to the necessities of which a discretion must be exercised, journalists and legislators insisted on placing them in a position exactly similar to that of individuals, amenable to every law of trade. The result was, of course, failure. The monopolies evaded or broke down the law, and were omnipresent in legislatures. There was no machinery in the government adapted to meeting the exceptional case. Reformers failed to realize that, though special legislation was corrupting the whole political system, yet general legislation of the ordinary description would not meet the requirements of the case. It is here that the whole question lies in a nutshell, — how can the requirements of the railroad system be met, and yet its individual members driven from the legislatures? A means to this end once discovered and incorporated into the general law, and the most difficult part of the railroad problem is solved.

This final result is not attained in the Illinois Constitution ; had it been, the value of that instrument would have been more

than doubled. Indeed, the provision made in it brings the innovator just to the fatal point; as yet he has done nothing, but the next step involves everything. In spite of its Constitution, Illinois must now slip back into the deep mire of special railroad legislation, or it must go on and solve the problem. The case stands thus: the Constitution implies the passage of (1) laws prescribing reasonable rates of charges on the different railroads, and (2) laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs.

The legislature it seems is to do this work; if so, the work cannot be done; the provision is so much waste paper. It may boldly be laid down as a principle, that no general law can be framed which will meet the exigencies of a whole railroad system in all its manifold details. This is true in almost every respect. A law, for instance, authorizes the taking of land for railroad purposes, but one road requires an exceptional amount of land in a particular locality. A general law regulates station facilities; but while it may apply well to one district, it will be simply ridiculous in its application to another. Finally, take the case of a general law regulating fares and freights, — the very one provided for in the Illinois Constitution. All the members of a railroad system do not exist under the same conditions as to population, traffic, and cost of construction and of operation. Of two roads aggregating the same gross annual receipts, the one will earn nine tenths of the whole by carrying freight, and the other the same proportion by transporting passengers. One road runs across a thickly peopled table-land, crowded with manufacturing villages; another climbs mountain ranges and drains a poor agricultural region. Can one general law regulating fares and freights be framed so as to apply to all of these differing conditions? The proposition conveys its own negative. A general law calculated to affect all the members of a system must be adapted to the capacity of the weakest member of the system. So of this law, the incubation of which seems to be imposed upon the Illinois legislature, — a general law limiting fares and freights, which will allow the weakest road in the State to live, will be no limitation at all upon the stronger roads, — what is a famine to one

is a feast to another. If, turning from this manifest absurdity, the legislature seeks to establish tariffs adapted to particular roads, then the whole evil of special legislation in its worst possible form is upon it. Where, then, is the escape?

We have thus got back to the old puzzle, — how to meet special requirements under general laws. The solution, if found at all, — if failure is not predestined, — will be found by the Illinois legislature in fairly recognizing an evident exception to general conditions, and supplying an executory power specially calculated to meet it. It is the want of this which has brought to naught all efforts at general legislation on this subject up to this time. They have uniformly failed from one defect; they were hard, unyielding, intended to apply to differently conditioned members of one exceptional and most complex system, and yet wholly unprovided with any discretionary, adaptive, or executory power. The law was there, but it did not move. It was as if a criminal law were put upon the statute-book which was to apply to all degrees of crime indiscriminately, without the aid of judge or of officer. And, indeed, this very example illustrates the whole subject. Let us follow out the parallel. The criminal law was once a subject of special legislation. Individual criminals had acts passed to meet their particular cases. The legislature was at one and the same time judge and jury. The legislative and judicial functions of government were, however, separated so long ago, that the community has forgotten that they were ever united; yet it was this division, first introduced under Alfred the Great, which alone made possible the success of parliamentary government. Had it been the discovery of one man, he who made it would have deserved to rank among the greatest benefactors of his kind. In early New England history the distinction was again obliterated. The Great and General Court was in Massachusetts Bay both the source of law and the seat of supreme justice. This simplicity very shortly disappeared as society became more complex, but it left behind it the fatal legacy of special legislation. The same confusion of functions is exactly what has hitherto existed in regard to railroads; the result, both in New and Old England, is seen in a statute-book swollen with special enactments, a legislature overwhelmed with business it cannot do and tainted with jobbery of which

it cannot rid itself, all resulting in a railroad system which is a confessed failure in everything but its material aspect, with which the legislature could have nothing to do. Can the desired separation be effected?

The solution of the problem stated in this form seems so obvious, that it is fairly matter of surprise that it has never yet been practically attempted. The legislature should enact its general laws for the requirements of railroads, as it does to meet the innumerable civil and criminal complications which arise; but, in the one case as in the other, the judicial and discretionary action under the general law should be devolved upon tribunals specially created to take cognizance of them. The legislature declares the rule which is the same to all; but the degrees of discretion which varying circumstances exact in the application of the rule must constitute a trust necessarily delegated to others. At present all these distinct powers are jealously retained by the legislatures. Their committees sit as courts and take evidence and listen to arguments. So far it is well. At this point, however, instead of framing a general law or dismissing the individual case, they undertake to give a charter to this applicant and to refuse it to that; to pass a special act in favor of this corporation, and to reject it as regards that; to authorize an increase of stock here, and to direct the construction of a new depot there. These are functions which no legislative body can successfully perform; as well undertake to decide every suit at law or to affix the penalty to every crime. Just so long as legislatures insist on themselves doing work of this nature, just so long will corruption increase and the statute-book fall into confusion.

Let us now apply the test to the other principle, that of general legislation, and suppose the strict rule in regard to it incorporated into the constitutions. The exceptional character of the railroad monopolies must also be acknowledged, as has been done in Illinois and Michigan. The legislature then enacts its general laws imposing regulations; and, where conditions would evidently vary and the exercise of a discretion by some one be incumbent, in all of these cases, instead of hearing each party through its committees and trying to resolve itself into a jury some hundred strong, it would define, as in

the criminal law, the limits within which the discretion must be exercised, and refer all questions which may then arise to the tribunal created to deal with them. Take, as an example, all questions of construction or of granting the right to condemn land. The law would, in general terms, lay down the conditions and limitations governing in such cases, and the corporations would be referred to the proper tribunal to see that those conditions existed or that the limitations were observed. So of depot facilities and of accommodations to the public.

The crucial test, however, will be found in the case of freights and fares. How could any tribunal be empowered to regulate these? This, too, is perfectly feasible. Railroad corporations are often spoken of as trustees for the public; they may more properly be regarded as lessees. They receive from the community the monopoly of a proposed thoroughfare; the consideration they pay for this estate is the transportation over it, under certain conditions, of all persons and property that offer. How to regulate those conditions, which in fact fix the consideration rendered to the community by the monopolist for the enjoyment of his grant, is the point now at issue. Hitherto these conditions have been left to fix themselves; the lease has been a perpetual one at a nominal rent. As the monopolist saw fit to reduce his tariff, by so much he raised the rent he paid; he did more work for less pay, for his rent is always in kind, — in work done. As he put up his tariff, he lowered his rent; he did less and the community paid him more. Thus, practically, as long as he could vary his rates he fixed his own rent. This must continue to be the case just so long as railroads are controlled by private parties, if legislatures undertake to settle these conditions themselves. The ownership of the railroads by the State is one solution of the difficulty, revolutionary in nature and doubtful in result. Another remedy is now sought. To return to the simile of the lease. These leases have hitherto been in perpetuity; leases are not generally so made. They usually fall in for revision at the end of a term of years, and are then either renewed on terms acceptable to both parties for a new term of years, or, in the case of ground leases, if no terms can be agreed upon, the

landlord pays for the improvements on an agreed basis, and resumes possession of the property, to let or to hold, as seems to him good. Apply this simple and familiar process to railroads. A general law regulates as nearly as may be the nature and limits of tariffs to be imposed upon and accepted by railroads. All discretion within those limits, made necessary by peculiarities of condition arising out of business, construction, etc., must be devolved on the proper tribunal. Within those limits it is authorized to bind the State to the corporation for a limited term of years, subject to renewal on a revised valuation. The rest is a simple matter of an ordinary lease.

It cannot be said that this plan is complex or difficult to understand, for it is but applying the daily business arrangements of individuals to the transactions of a State. Two objections, however, may be made. It may be said that it is novel. To a degree this is true. No single feature in it is novel, but there is a combination of the Belgian, English, and American systems, in order to arrive at something adapted to the needs and peculiarities of our social and political condition. Tariffs of rates, incorporated into charters and specially adapted to particular routes, are familiar enough in England and France; they are not unknown in this country, but the entire inability of popular bodies, like our legislatures, to deal with the very complex considerations involved has prevented their general adoption. In England those framed by Parliament have not proved satisfactory; in Belgium the legislature delegated the labor to an official with more satisfactory results. The principle of limited terms is not new; the only novelty, if there be any, lies in the machinery provided, through which to bring the tariffs up for periodical revision.

But it will be said, Who will guard the virtue of the tribunal? Why should the corporations not deal with them as with the legislatures? They may do so, but somewhere and at some point, put on all the checks and balances that human ingenuity can devise, we must come back and rely on human honesty at last. One rule always holds good, — where the most direct responsibility exists, there will the best conduct be found. Corruption loves a throng and shrinks from isolated places. To divide responsibility is to destroy it. The judges of our

courts are rarely otherwise than pure; the heads of our official departments are conspicuous for honesty: they are always directly and individually responsible. If we thus can, and indeed, from the necessity of the case, must, confide the charge of the public funds and our personal liberties to mortals like ourselves, acting under the law, it is difficult to see why, except that we never have done so, we cannot trust these other interests to similar mortals. All in such cases depends upon the men. We have had in England and in this country a sufficiency of feeble attempts in this direction — boards of trade, railroad commissions, and various other pieces of machinery. They have all failed, for one reason, — the principle of special legislation was ever kept open in the background behind them. They have uniformly possessed a mere simulacrum of power; their decisions were appealed from, their recommendations were ignored, and their principal duty was to sit patiently by and watch the corporations as they dealt directly with the legislature over their heads. Instead of the legislature saying to the sturdy corporation beggars who infested the lobby, as it would say to civil litigants or to criminals, "Leave us! there is the general law and there is a tribunal specially charged with the interests of you monopolists; go to it!" — instead of this, the boards, commissions, and what not, have ever been placed in the ignominious position of a court, whether civil or criminal, from which in every case an appeal would lie to the legislature itself. A tribunal so constituted can hardly fail, soon or late, to sink into contempt; least of all is it calculated to deal with powerful corporations. As a direct consequence of this conspicuous distrust, these tribunals have almost invariably been made up of very inferior and, not seldom, corrupt men, for no such responsibility and prominence was thrown upon them as forced out capacity and integrity as the only alternative to failure. Had the same class of appointees, as a rule, been placed upon the bench, the judiciary would long since have sunk into contempt. The duties, the responsibilities, and the characters of those composing these boards should, on the contrary, be brought up to the highest standard, — to an equality, in short, with those of the judges of our courts. Their tribunals should be clothed with all necessary powers

and be put forward as if the members were fully competent to represent the interests of the State with an experience and ability, a knowledge of details, and a zeal in their occupation equal to that ever so conspicuously displayed by the agents of the corporations. Such men could certainly be found; the corporations always have them. Meanwhile the whole subject may be summed up in few words: under a system which permits special legislation, boards for the regulation of railroads are useless; they are, however, indispensable under one which confines itself to general laws.

It is not impossible that the defective machinery in our government, to use once more the simile so often employed in this paper, may be strengthened in the way indicated. A new strain has been brought to bear. At present our government occupies the impossible position of a wooden liner exposed to the fire of modern artillery. It was built for no such trial. The railroad corporations, necessarily monopolists, constitute a privileged class, living under a form of government intended to inhibit all class legislation. We must, then, see our government fail in this unexpected crisis, or we must strengthen it in such a manner as to enable it to vindicate its authority. This can only be done through human agency; ingenious statute machinery, without a man inside of it, will only result in certain failure. The other course, also, may fail, as the iron plates of our monitors may be crushed by the weight of novel projectiles; but here, at least, the power of resistance can in some degree be proportioned to the intensity of the strain.

A new work is before those vigorous intellects who, from the editorial rooms of Chicago, inspired the late Illinois Convention. They must now take the next step, or they have made no progress. They must inspire the legislature to complete the work which the convention left unfinished. It is a case of all or nothing. Should the Illinois legislature undertake to deal otherwise than by general laws with the innumerable discretionary questions involved in every railroad system, then, in so far as the present discussion is concerned, the new constitution is a predestined failure. Should it, however, carry on the work in an intelligent spirit; should it do, what has never yet been done in America, create an able

and experienced tribunal to stand between the community and its railroads; should it clothe this tribunal with all necessary power and dignity, and delegate to it that discretion, necessarily left somewhere, in the application of general laws to monopolies; should it declare its decisions final on all points upon which no appeal lay to the courts of law by constitutional right; should it then sternly refer its railroad corporations to this tribunal, and bid them wholly begone from the lobby, or to come there only as petitioners for general legislation; — then, when all this is done, and not until that time, shall we know whether anything is to result from the Illinois experiment. The whole country cannot but watch it with eager curiosity. It is the one alternative, with State ownership as the other. The national question is impending. The whole of that legislation, on which so much in the future depends, is yet to be initiated. It may well depend upon the experiment in Illinois whether this, too, of which all might now be hoped, is not to wallow into the slough of special legislation. It has many times been on the brink of so doing. Should this once happen, the machine is too cumbrous, and the interests involved too enormous, for us soon to extricate ourselves. It is in this regard, in its bearing on the final problem, that each experiment now assumes its value. Out of many failures will come the one success. Illinois, for the present, must deservedly attract the greatest degree of attention. That great State has first recognized in her constitution the magnitude and exceptional nature of the problem. Under that constitution she should not fail to be the first seriously and thoughtfully, perhaps successfully, to grapple with it.

Charles F. Adams, Jr.

Art. III. — Mining Schools in the United States.

In the year 1714 the English Parliament offered the sum of twenty thousand pounds to the discoverer of any means by which the captain of a ship at sea could determine his position on the ocean within thirty miles. Not even this shining reward — the greatest, perhaps, ever offered for a scientific discovery, and at that time a fortune in itself — could effect the object. A method was proposed, but the committee to which it was referred declared that no astronomical tables existed of sufficient correctness to make it of any value. With the best data the world then possessed, the error might be as great as nine hundred miles;* and to bring it down even to two hundred miles, an extensive series of new observations of the heavenly bodies must be undertaken. Charles II., to whom the report was made, is said to have exclaimed on reading the letter, "But I must have them observed"; and he thereupon founded the Observatory at Greenwich, an institution to which every nation that has a marine owes an incalculable debt for the commercial prosperity it enjoys, and upon which the sailor in every clime depends for the safety and certainty with which he traverses the ocean. From thirty per cent per voyage — the rate of insurance when Greece was in her glory — to the three and five per cent which is now current, the decrease of the expenses of commerce has kept perfect time with the march of scientific investigation and the founding of seats of scientific learning.

Commissioner Ross Browne, in his report on our Western mines, says that experienced investors in mining property will not pay for a mine more than two and a half times its yearly profit. That is to say, they do not consider it a safe investment unless it returns *forty per cent* upon its cost. The reason of this is plain. With no means of educating miners to their work, the conduct of mines in this country is a lamentable story of mismanagement, energy wrongly directed, and consequent great losses. The thousand millions of gold dollars that have been won from the ground in California are but an

* Dr. F. A. P. Barnard, LL. D., F. S., T. D., in his Letter to the Board of Trustees of the University of Mississippi, 1858.

inadequate representation of the real wealth that existed there. Observers have estimated the losses which were at first caused by ignorant and hasty methods of working at *two thirds* of the gold really at hand, and none have put them at less than one half. A better state of affairs has gradually grown up, but the losses to this day are very much larger than they should be. In California, however, the work has been easy to that called for by more difficult ores in Nevada, Montana, and Colorado; and if an investigation could be had of the exact proportion of precious metal saved to the quantity in the ore, the story would be astonishing even to scientific men. Without careful proof it is impossible to make men believe the reports of the few competent observers who have been there, so apparently incredible are the results of recklessness and want of knowledge. It was difficult to introduce even the thinnest entering-wedge of common sense into this hard prejudice against skill and study. For a long time the miners refused all help from schools or scholars; but the experience of continual trouble with their ores, and the gradually developed fact that they often lost more than they gained, has worked a complete revolution and a beginning having been made in New York in 1864, a number of schools of mines, more or less praiseworthy, have been founded in various parts of the United States. In Europe schools of this kind are among the oldest institutions of advanced learning, and our educators naturally look to them as the models upon which our own constructions must be shaped. It is proposed in this paper to point out their peculiarities, and to discuss the requirements of similar schools in this country.

Like all other educational institutions, schools of mines in Europe form part of the system of government; but unlike the others, their officers, instead of belonging to the department of education, are connected with that of mines. That is to say, schools of this class are regarded as investments which are necessary to make mining either profitable or possible. To the knowledge of which they are the source the mines of Europe are indebted for their ability to work low-grade ores; and were that knowledge to be now eliminated and the world thrown back to its resources of a century ago, hundreds of mines would have to be given up, and bread would be taken from a hundred thousand mouths.

Three kinds of schools are found, — primary, middle, and high schools or academies. The lower schools are among the most peculiar and interesting institutions for education in the world. Wherever there are government mining works of importance, and in some of the great private works schools are established for teaching workmen of a certain grade the secrets of their calling. They are called in Germany *Bergschüle*, in contradistinction to the high-grade schools, which always bear the name *Bergakademie*. The teachers employed in them are the officers of the works, who usually devote two hours two or three days in each week to giving plain but strictly scientific explanations of the operations which go on in the furnaces, and of methods of attack in the mine.

The nature of the studies naturally depends upon the occupation of the scholar. Those who work in the mines receive instruction in mining alone; and this instruction, instead of being general and intended to fit the learner for the practice of all kinds of mining, is altogether special, and confined pretty closely to work in mines of the kind in which he is employed.

So, too, in the metallurgical department, the instructor makes no effort to lay down a full course of metallurgy, but aims to make his hearers understand the furnaces at which they daily labor, the nature of the chemical changes produced, the method of dealing with accidents, exact details of construction, and the like. Thus, instead of being eclectic and scientific, the instruction is confined to imparting the traditions of the particular establishment to which the school is attached. In this system we have one cause of that remarkable conservation of distinct methods of treatment which, until late years, has been so great a hindrance to German metallurgy, and has prevented the study and adoption in one quarter of improvements made in another.

Still, the information gained in these places is a great advance on ignorance, pure and simple; and these schools are as much above nothingness as the *Bergakademien*, the centres of science and research, are above them. The listeners to these lectures are men who, having had in their youth the *minimum* of education required by law, have, in a long course of severe manual labor, lost almost all trace of what little scientific or

general information they ever gained. It is a long ladder by which a man climbs up to a position in which he has the right to attend these lectures. Entering a metallurgical work, a young man first spends two or three years in wheeling slag to the waste-heap; then as much more time at each of the following steps: wheeling ore to the mixing-bed, shovelling ore into the weighing-bucket, weighing ore, throwing ore into the furnace. Here his progress is slower, and he may remain at the last employment five or ten years. Finally he becomes smelter or tapper of the furnace. The uneducated man can rise no higher. The educated man spends much less time at each of these grades, but go through them he must. He usually spends two or three years in all at the practical work, and then performs clerical duties in the office. Rising higher and higher, he may in time become director of a smelting establishment or a mining district. The director of the world-famous mines around Clausthal, Andreasberg, and Altenau, in the Upper Harz Mountains, is an instance. He was a picker of ore in his boyhood. Plattner, a thorough chemist, founder of the analysis with the blowpipe, and an elegant as well as scientific writer on chemistry, began in the same way.

Schools of this primary class are composed of the educated and uneducated men, who have been fellow-workmen in the same mine, at the same furnace; but the former sit in the rostrum, the latter on the benches. The classes are composed of men who have spent fifteen to twenty-five years in the most trying manual labor. The refinements of science, if explained to them, would fall on dull ears. But they have been familiar all their lives with certain phenomena of the bowels of the earth, or others of intensely heated furnaces, and these things they are both interested in and can learn about. A simple course in the rudiments of chemistry, physics, machines, and mining engineering, with more careful explanations of that particular portion of these arts which comes under their own observation, teaches them to go about their work understandingly, and to lay aside that vague fear, which the untaught often have in the presence of great and, to them, mysterious operations of nature or of art. It adds also greatly to their efficiency as workmen, and their safety in circumstances of danger.

In these remarks on this lowest grade of mining schools, we desire to be far from underrating the value and ability of the lecturers. In small and obscure mountain towns men are found who, in the midst of incessant physical and administrative labor, have kept up with the march of science, and taken care not only to make the latest truths of science known to their hearers, but also to apply them in the conduct of the works in their charge. Applied science owes to them some of the most remarkable discoveries that have been made; and they may fairly be said to have done more than their brethren of the closet in developing arts, which besides a knowledge of science in its theory require also a minute conversance with its practice. Von Born, Augustin, and Ziervogel, whose labors in one branch of metallurgy — that of the extraction of silver — were so valuable, were all directors of works.

The next grade of school is one where young men, the sons of miners or smelters, and who may or may not have been employed in their boyhood in the works, obtain a higher kind of instruction. They are not, as are the learners in the lower school, mere workmen, but may rise to any height, though their future is usually that of overseers or directors of small works. These institutions are still called *Bergschüle;* but the student spends all his time at study, is instructed in general mineralogy, metallurgy, chemistry, etc. Indeed, his own abilities are the only boundary to his advance. Often the successful student wins the prize of a year or two at an *Akademie*, and has the advantage of a thorough scientific education.

These two varieties of schools are united as at Eisleben and Halle in Prussia, Chemnitz in Hungary, Pribram in Bohemia, etc.; or only the first kind is found, as at Agordo in Italy, Waldenberg in Silesia, and many other places. Finally, one or both will be found united with a great Bergakademie, as at Freiberg and at Clausthal. Russia, where everything is supposed to be perfect in system, has one Bergakademie, ten first-class and a hundred second-class Bergschüle. Prussia has two Akademien, two first-class and ten second-class Schüle. The other states of Europe have also taken similar care to educate their miners of all grades.

Of the mining academies four may be considered as of

first rank. They are those of Paris, Freiberg in Saxony, Berlin, and St. Petersburg. Austria, though far from lacking in good schools, has none of this grade, for a reason which will be given further on. These institutions, though working in the same field and giving instruction on the same subjects, are very different in their scope. Perhaps there is no kind of school which takes its hue so decidedly from its teachers as schools of applied science, partly because they are fewer in number, more isolated, and therefore in closer rivalry, and partly because the field of instruction being much smaller, a man possessed of unusual powers will give a much more decided cast to the studies pursued than can be the case in other schools. Among living examples of this we see Freiberg celebrated for its course of blowpipe analysis under Richter, who follows Plattner, the founder of blowpiping as a science. Weisbach, in charge of machines and surveying at the same school, and Kerl, professor of metallurgy at Berlin, also give to these places a decided character which often governs the choice of a student.

But schools have also their national characteristics, or owe their peculiar cast to the character of their founder or the object of their foundation. The school at Paris is very mathematical and scientific, following in this the character of modern French scientific study ; Freiberg, having some of the most celebrated mines and smelting-works in the world at its doors, is very practical ; St. Petersburg is very practical, though situated in a morass and with no mines within hundreds of miles, and it is perhaps as scientific as Paris. The character this school has taken accords with the genius of Peter the Great, impressed upon all enterprises in Russia. He admired the achievements of science, and had experienced the benefits of practice in his own person. The Russian school combines thorough scientific training with what may be called object-teaching of the highest class. Within the precincts of the school is a very interesting model of a mine, dug in the mud of St. Petersburg, and furnished with galleries, shafts, systems of ventilation, and all the paraphernalia of regular mining.

The chief peculiarity of the French school is its eclectic breadth of instruction. Besides the ordinary subjects of study,

the scheme there embraces, under the head of machines, such minutiæ of construction that the graduates are fitted to design machines of the greatest variety, whether for use in mines or not; and under chemistry, agricultural chemistry is taught. The reason of this is that France turns out every twelvemonth more engineers than she can employ in ten years, and in that country graduates of 1860 and earlier years still come to the offices of public works, railways, and mines, and beg for work at a thousand, five hundred francs a year, anything, in short, for the sake of employment. These men are not of second-rate ability. Their difficulty is that France has not enough mines nor works of any sort to employ a tenth of the young men who want to become engineers. Naturally enough, the schools are obliged to adopt a system of instruction so varied that their graduates shall be fitted for work of any kind. But this mingling of studies is not to be recommended in countries where larger opportunities are offered to the engineer.

French engineers, however, have an excellent reputation and find employment in all countries of the Continent, Germany, perhaps, excepted. The basis of their superior training, besides the excellent system of instruction, is in their thorough knowledge of mathematics, a study which is laid more at the foundation of engineering studies in France than anywhere else, unless St. Petersburg is to be excepted. As before said, the Paris school is *par excellence* scientific. It has neither mines nor smelting-works ready at its hand, but this disadvantage is partly neutralized by a yearly government grant to enable a certain number of students to visit works in other countries. To such travels of the more distinguished scholars of Paris the world is indebted for a great part of its written metallurgy. The collections in this school are also very fine, among the best in the world.

At Freiberg the distinguishing feature is the opportunity for practice offered by the mines and smelting-works. The ground upon which the Saxon mining town stands is pierced by so many shafts and galleries, that their united length is said to be more than five hundred English miles. They yield ore of the greatest variety. Lead, silver, and copper are the principal products of the works; but the whole number of these is said

to be thirteen. Besides those just mentioned, there are gold, bismuth, zinc, arsenic, realgar, sulphuric acid, blue vitriol, and others. The works in which these numerous operations are carried on have always been celebrated as well for the energy exhibited in studying new methods, as for their commercial importance. Freiberg has given its name to the best method of amalgamating silver ores, to numerous discoveries in smelting, to the Gerstenhöfer, the Pilz, and other furnaces, — inventions which have altered the methods of working ores over the whole world. In former times the profit from these mines was very great. Freiberg was the royal city of Saxony, had the court, began a cathedral (of which one fine doorway now shows the promised glories), and contained sixty thousand inhabitants. At present its mines, though largely worked, yield but little profit, and its celebrity is due more to its school than to anything else. That has always maintained an excellent reputation, and its professors are and have been among the most famous men in science.

The students have the advantage of practice in the mines, ore-dressing works, and smelting establishment, and, with the exception of the second of these, the practical advantages offered by Freiberg are greater than in any other school. One other thing distinguishes this academy above every other, and that is its course in blowpipe analysis, — a most important subject, absolutely necessary to the engineer, but one which is singularly neglected in other European schools. Besides this, surveying, machines, assaying, and the theory of fuels are among the best treated subjects. Freiberg, more than any of its rivals, is supported by foreigners, partly because the fees required are upon a higher scale than elsewhere, and partly because it is a greater favorite among students.*

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* The following is a list of fees for the principal studies. These fees, it should be mentioned, are the property of the professors, whose incomes are usually made up of a small fixed salary as professor, a salary as inspector, adviser, etc., in the works, and fees. These prices are given in thalers, worth 72 cents in gold, and the fee covers the course for six months : —

Mathematics, first course	20	thalers.
Mathematics, second course	20	"
Descriptive geometry	20	"
General elementary mechanics	20	"

The school at Berlin is a transplantation of that at Clausthal in the Harz Mountains. Though the latter has not been given up, it has lost the professors whose labors had made it famous. Others, however, have replaced them, and the school, though its prestige has gone, is perhaps as good as ever. Dr. Von Groddeck, its director, is an able and industrious man, a good

Elementary mining mechanics	18	thalers.
Machines, first course	10	"
Machines, second course (construction)	20	"
Theoretical surveying	15	"
Practical "	20	"
Theoretical chemistry	20	"
Practical "	25	"
Analytical "	30	"
Metallurgy, general	20	"
Metallurgy of iron	10	"
Dry assaying	30	"
Wet "	15	"
Blowpipe analysis	20	"
Mineralogy	25	"
Mineralogical practice	12	"
Crystallography	6	"
Physics	16	"
Geognosy	20	"
Lithology	12	"
Theory of veins	10	"
Practice in Petrography and Lithology	8	"
Mining, first course	20	"
Mining, second course	20	"
Mining laws	15	"
Book-keeping	10	"
Drawing	15	"

Besides these sums there are smaller ones to be paid for the use of chemicals, instruments, etc. The school expenses of a student are perhaps about one hundred thalers a year, some paying half and some nearly double that sum. Twelve hundred thalers a year, or eight hundred and sixty-four dollars in gold, is the average expense of a student in Freiberg.

The idea of self-support does not enter into the plan of European schools of mines, which are founded for the benefit of the mining service. On the contrary, natives of the state receive compensation during their term of study on condition of entering the public service. Since the growth of the mining interest in America, however, and the presence of great numbers of our young men at foreign schools, the pay exacted from foreigners has become of great importance to some of them. At a time when the academy at Freiberg contained nearly two hundred students, not one quarter of these were Saxons intending to enter the state service. From forty-five to fifty were from the United States, and this fourth part of the students probably paid at least one half the fees received by the professors.

instructor, and a scientific student. Among the men who were transferred to Berlin is Kerl, the professor of metallurgy and author of the standard handbook on that subject. This school also has the services of Gustav Rose, Rammelsberg, and other men, leaders and even founders in part of the sciences they have taken up. It was founded many years ago, but has only lately begun to have its present almost exclusive importance in North Germany. It is the only school of the highest class connected with an institute, all the others being independent foundations.

Although Austria has no one school where the sciences of mining and metallurgy are taught in all their length and breadth, its instruction is, nevertheless, of the best kind, but divided among three schools, each of which has its especial field of operations. To the Empress Maria Theresa of Austria belongs the honor of founding the first academy of mines, which was established at Chemnitz in Hungary in 1760. At that early day the idea of practical training, in preference to strictly scientific, was uppermost. At Chemnitz the mines produce gold, silver, and lead ores, with all their complications, requiring the knowledge and practice of every device of metallurgy; and that school is therefore the metallurgical one of the three. Leoben, in Styria, is situated in the midst of the Austrian iron region, and therefore the school for the study of iron-working is situated there. At its head is Tunner, the best authority on scientific iron-working on the Continent. Pribram, in Bohemia, has very large and old mines, and within the last twenty-five years has been the field of operations of Rittinger, undoubtedly the foremost student in the art of dressing ores, and one of the most scientific of inventors. Pribram is his workshop, containing a greater variety of machines than any other similar work in the world. At the school situated here mining and ore-dressing are therefore the principal studies. To the engineer who selects mining, *per se*, as his exclusive occupation, the shops at Pribram are, perhaps, the most interesting point in Europe.

This system, formerly so esteemed, of planting the school close to the mine, and restricting its scientific character to a close correspondence with the opportunities for practical expe-

rience, is now going out of favor. Of the four principal academies in Europe, I have already shown that three are situated far from mines. Paris and St. Petersburg are so far from the mining-field that "practical courses" are impossible. Berlin has the advantage of the Clausthal mines for the training of her students in the summer months. The additional advantages offered by a great social and scientific centre make the situation of this school perhaps the best of any in Europe. The Austrian government, following the desire of all its engineers, is now considering a scheme for the union of its three schools in one academy of the first class. Austrian engineers have found themselves hampered in their practice by the too exclusive direction of their early studies to one separate division of a subject, which, however comprehensive, is still homogeneous. In point of fact, nothing could be more unfortunate than this seclusion of a school in a mining town. The studies should necessarily give a fair importance to each branch of the subject; and this cannot be done if the attention and observation of the students is concentrated on only one class of mines. A school situated over a mine does not turn out *mining* engineers in general, but coal, iron, lead, or copper workers, as the case may be. When undue importance is given to one metal or ore, the rest suffer; and no good school can find illustrations of a full course in one region. Wherever it is it will be separated from the practice of the greater part of the subject, and therefore location defeats the very purpose of its existence. On the other hand, it was reported a year or two ago in Freiberg, — on what authority it was not stated, — that a commission, sent by the Berlin government to ascertain the best seat for a great school of mines for the North German Union, had reported in favor of that place. This step, if made, would be in violation of the lessons of European experience; and even if this report is true, it is still doubtful whether such a concentration of schools will ever take place. The University of Berlin would be loath to abandon so excellent a member as its *Bergakademie*, and the Prussian government is too anxious to see Berlin a "Weltstadt" to suffer one of its most important institutions to be dismembered.

Although for the number, present value, and future promise

of its mines, America may be called distinctively *the* mining country of the world, it was not until 1864 that we severed the bonds of our dependence upon Europe in the matter of instruction. Up to that time we sent our young men abroad for their technical education; and on their return they brought home, not only men to work in the mines, and the sectional prejudices which hamper foreign schools of mines, but too often antiquated ideas of management as well, too cumbrous for use in the American field. They copied the faults of foreign engineers; and it is safe to say that foreigners do not succeed in our mines. A German who has no knowledge of mining may succeed as well, after living here long enough to imbibe a portion of American adaptability and pluck, as an American who also knows nothing about it. But, paradoxical as it may appear, it is still true that a foreigner, who has studied at home, and is quite ready to enter an establishment there and pursue the regular round of promotion with good reputation and even distinction, will be much more likely to make a failure here than his uneducated brother who has been long enough in the country to learn American ways of working. In this remark I broach no new theory, but give the general opinion of miners in the West. A few foreigners have distinguished themselves there; but an experienced miner will often prefer to trust a tyro born in America rather than a foreigner fresh from home and with all his knowledge new. And the reason of this, instead of being an argument against mining schools, is an argument for them, but for schools in the right place.

There is an inherent difference in the pure and the applied sciences, in that while the rules of the former are forever true and unchanging, the same in Europe and in America, and in India or Patagonia as well, the latter, by the very fact of their application to given circumstances, and to requirements of fixed conditions, have no immutable laws, except such as they borrow from the pure sciences. The laws of chemistry are fixed the world over; but operations in the industrial arts that succeed perfectly in England or America fail in India. Nor is distance a necessary element in this diversity. Meteorological differences, obscure variations in material, and the like, seriously affect the operations carried on at no great distance

apart. In nothing is the diversity of nature more apparent than in the composition of the earth. The life of the mining engineer is spent in applying the principles of science to this immensely varied mass. Mines are not only very variable among themselves, but the same mine differs in its height and its depth, in its length and its breadth. By the very nature of things, the engineer must know what differences of treatment the components of this mass require. This can certainly be ascertained as well by the foreigner as by the native. But in addition to these purely scientific questions are others more embarrassing yet. There is the eternal question of profit, with its complications of wages, prices of material, transportation, etc., and often political and national characteristics, which must be understood as well. It is in this latter part of an engineer's requirements that the foreigner fails; and the greater his experience abroad the more likely is he to fail here. For mining engineering, in which term I include metallurgy and all the branches of knowledge which the conduct of mines and smelting-works demands, is not merely a special application of science to industry, but it is in each case a special selection of some branch of a great subject. A science that requires such strict devotion requires, too, particular instruction. Even in the beginning the student finds it advantageous to select his particular field of labor, and apply his best powers to its study.

In Europe this is true in a much higher degree. Schools there owed their foundation to the desire of perpetuating a race of men who understood, not the laws of science, but the technicalities of the particular mine or works with which the school was connected. For the mining schools of the lowest grade were founded almost before there was any science, and when instruction was altogether practical. They have themselves been the cradles of science and research.

Much of this methodical adherence to tradition is still retained, not so much in the schools as in the works where the engineer always finishes his studies with two or three years' practice. In the first steps of his instruction he begins by wheeling a barrowful of ore; but not a step may he stir until his thumbs are in the true traditional position, where the

thumbs of all miners who had gone before had rested. From the beginning his drill is like the drill of the soldier. He does everything by a fixed method, which has in it no inherent reason for being used in all places and at all times.

This cannot be done in America, and the man who has learned to rely upon fixed rules in small things, and have men about him who are accustomed to one way and one method, finds himself unable to work when he crosses the ocean. Wages, habits of work, character of workmen, all is new and everything confounds him. Engineering, like the law, consists not so much in the application of abstract principles as of good precedents to a given problem. And the trouble with a foreign engineer is that his precedents are all wrong; they cannot be applied here. Therefore for the real welfare of our mines as well as for the dignity of our nation, it is necessary that we should have our own schools of mining science.

It is evident that, in establishing schools in this country, care must be taken to restrict their number and to place them in well-chosen situations. It is well for America that experience in Europe has demonstrated the needlessness of placing the school at the mine's mouth. Here it would be impossible to obtain in a small mining community the support required to maintain expensive professorships, collections, and libraries. Such an institution needs the nourishment only to be obtained from the innumerable rills of knowledge and wealth which flow into great cities. In Europe the professors are considered as necessary to the development of the mines as the actual directors, and draw their pay from the mining department of the government; the collections are filled by the constant contributions of the mines, and all specimens which are found belong to the schools, for profit or preservation; the libraries are filled with works written by the professors and the directors of government establishments. But in America all these things must be paid for by school fees, yearly gifts, or endowments. It is far better to concentrate these supplies upon a few well-supported schools than to attempt a thousand diversions of the resources at hand, by adding a course on metallurgy or mining to each of the schools of technical science, or each of the colleges in the country. Indeed, such an

addition is far from making a mining school out of these institutions. It is not merely that a school of this kind must have its lectures on mines, machines, metallurgy, mineralogy, geology, chemistry, and other subjects, but these must be made both generally complete and especially adapted to the engineer's wants. A school of mines is a great, complex, comprehensive machine, requiring many men, who all work with one and the same end in view, — to fit the young engineer before them to grapple with a subject which has puzzled the wisest for centuries, and which is every day coming in closer union with all the other sciences, from meteorology to hygiene.

The problem presented to us is to establish, upon the American system of self-support, schools, with all their expensive professorships, collections, and libraries, which shall in every respect equal the foreign institutions. It is well for us that experience has proved great cities to be the proper seats for them. It is well for us that we start when science is older and the errors of our rivals have been exposed.

At present there is but one fairly established school of this class in the country, — that in New York. Institutions which bear the name of schools of mines are also to be found in New Haven, Boston, Troy, Philadelphia, Ann Harbor, and many other places. But those where the instruction is general and complete, as at Cambridge or New Haven, lack the students necessary to form a living school, while the others have no claim to the title they have taken, except by virtue of a course of lectures on metallurgy or mining tacked on to their regular studies. The latter are no more schools of mines than is the Military Academy at West Point, where a course on metallurgy has been given for years. They lack, not only the purpose, the singleness of aim, the undivided attention to one absorbing subject without which a school of this kind has no life, but also the support necessary to carry on so expensive an institution.

The position of our mining fields is another ruling consideration both in respect to number and position of our schools. In a country covered in every part by mines, any division into districts must be arbitrary. But by taking other elements into the problem, we shall find it not so difficult to point out

the limits of these fields, and the best position of the schools. These elements are distance, and what may be called the educational spirit of the different regions. Thus it is plain at first sight that the Atlantic and Pacific are too far apart to be well brought within one boundary, and the same is true of the Lake Superior region, which is both distant and lacking in easy communication with the East. But are we to make one district north and another south of Mason and Dixon's line, one east and another west of the Alleghany Mountains? Certainly not. Great as is the mining industry over all this region, far surpassing that on the Pacific side, it is almost entirely divided between coal-mining and iron-working. The training of engineers for this business should by all means be concentrated in one school, which can also with ease look after the lead-works of the Mississippi Valley and the zinc and copper industries of Pennsylvania and the South. New York is the proper place for this school. It unites the qualities of wealth, literature, and science; and by its position as the commercial centre of the country, a school there has the advantage of aid from innumerable sources. Its communication with all the Atlantic and Mississippi Valley States is also perfect; and as to cost of living, which is supposed to be so excessive in that city, a young man can study in New York, with all the high fees and cost of living, for the same sum that students spend in German country towns.

There is nothing to prevent Lake Superior educating all its engineers in New York for years to come. It is now within forty-eight hours' travel of New York, and the peculiar necessities of its mines can be studied by men working in New York. But in the progress of the educational spirit which is sure to take place in America, the school in New York will become overcrowded. There is a limit to the number of men who can study the same subject in the same school with profit. Probably the largest class one professor can take thorough care of may be put at fifty scholars. For a three years' course, such as New York has, this gives a hundred and fifty regular students as the maximum strength of a thoroughly efficient school of mines. Fifty engineers a year would be a small supply for this country, but even this is never attained. In-

struction in these schools, if well conducted, is severe, and it is a wonderful success to graduate more than twenty-five or thirty per cent of the students. Of those who do graduate, not more than one half go into the practice of their profession, the others turning off into various channels of business. When, therefore, the educational spirit rises sufficiently high to crowd the New York school, the best disposal of the overflow would be to an institution in the Lake Superior region, which could look after both the Lake region proper and the Mississippi Valley. But until that high-tide mark is reached in New York, and the educational spirit at the Lake has risen sufficiently, any school planted there would have but a cramped existence and a limited efficiency.

As for the Pacific slope, the kind of mining and metallurgy carried on there, and which is confined almost entirely to gold, silver, and lead ores, and the individualism of the methods, as well as the remoteness, point to the necessity of a school in that part of the country. For this San Francisco is the proper place, as the centre of educational, scientific, and commercial forces on that side of the continent. The new University of California is on the point of establishing such a school, and it will have certain important advantages over all others in this country. Though the mining interest of the Western States and Territories, with all their gold and silver, is not to be compared to that of the Atlantic half of the continent, yet the educational spirit of the people is much higher than anywhere else, as is shown by the eagerness with which they welcome the foundation of the new school, and by the lively expectation they have of important results from it. In the East only, scientific men have participated in similar feelings toward the New York school; but in California and Nevada it is not merely the student of science, the mine owner, or the mine superintendent, but the average miner as well, who expects and desires great things from the institution, —a condition of affairs which probably results from the difficulty of working complicated gold and silver ores, the long struggle to find adequate means, and the feeling that the losses in operation are still far too large.

The people of that region are, therefore, right in determin-

ing to have their own school, which shall make the peculiar needs of their mines its especial study, and shall also introduce the many remarkable innovations they have made, and which have never yet been adequately studied, in the metallurgy of gold and silver, to the knowledge of the world. The study of American metallurgy is one of the most important tasks our schools have before them. Our knowledge of metallurgical science is almost all drawn from European sources; the travels of young engineers are made in Europe, and meanwhile our own metallurgy is neglected. It is true that it is behind the foreign methods in some respects, but it is in advance in others, and at all events no general advance can be expected until its present condition is understood and explained. But while thus giving peculiar and natural importance to their own mines, it is to be hoped that they will not neglect the study of general mining science; that they will not fail to give their school a distinct active existence, to employ the best-informed and most scientific men, and to spare no pains to make it what New York has already become, one of the best schools in the world, — more scientific than Freiberg, more practical than Paris.

The school in New York was founded in 1864. Its beginning was apparently not very promising, and yet its success was really assured from the first. Placed for the first year in three or four cellars of the Columbia College buildings, its appointments were necessarily imperfect, and the difficulties in its way were very great. But in one respect its future looked bright. It was thought that the school would be considered fairly established, if twelve students presented themselves. The number was twenty on the opening day, and before the year was out nearly fifty young men had joined. The next year a building for laboratories, collections, and lecture-rooms was ready, and the number of students was about ninety, increasing to one hundred and thirty the third year. Since the start, in 1864, more than three hundred young men have entered, some for the full course and some for special studies. This gives an average of fifty new pupils a year.

The course of study is now divided into five parallel divisions: mining engineering; civil engineering; metallurgy;

geology, and natural history; analytical and applied chemistry. A student can pursue any one of these, and take the degree of Engineer of Mines, Civil Engineer, or Bachelor of Philosophy. The course of study occupies three years for the two former, and four years for the latter degree. There is also a preparatory year for those who desire to be well grounded in the necessary elementary studies.

The construction of a school building, and the provision of apparatus, is very far from being all the work accomplished in the six years' life of this institution. The literature of the mining profession in the English language is very imperfect, and it was impossible to conduct the school in any other way than by lectures. These lectures, too, had to be very different from those delivered in German schools. There the professor delivers a loose, often rambling, often too dry, often too agreeable lecture, the object of which, in ordinary cases, is merely to point out to the pupil what direction he should give to his studies. He is expected to go home, and, with the lecture as his guide, to pore over his books, obtaining his real information from them. The cases where the lectures of the professor are expected to be the only or principal source of knowledge are comparatively rare. Here it is very different. The lectures are sometimes all the student has. They must, therefore, be very full in fact, but also well condensed in language, or the course would become interminable. This necessity is far from being a disadvantage. The lectures delivered in New York have all the value of original examinations into the sciences they discuss, — which indeed they are. When they are published, as is to be hoped they will be in good time, the body of mining science as contained in American text-books will be very different from that possessed by any other country.

I have spoken above of the immense labor required to carry on a mining school, and the heterogeneous character of its operations. Of this the school under discussion is a good example. Where there was not a specimen, a crucible, or a furnace, six years have sufficed for the collection of seventy-five thousand specimens, illustrating geology, mineralogy, and metallurgy; of models of furnaces, machines, crystals, geometrical sections; of a library of three thousand volumes; of laboratories for assay

and for chemical operations, which are larger and better than those of any other mining school in the world. The value of all these must be close on two hundred thousand dollars, and the work has been enormous. Nor can a good school be established with less labor or less expense. But the results are commensurately great. Among all the most famous schools in the world, there is not one so well supplied with apparatus, and not one where all the departments are carried on with the same equal care. Remarkable as it may seem, no school in Europe, unless that in St. Petersburg is to be excepted, can compare with this in the appointments either of its chemical or its assay laboratories.

If the other schools which are to be founded in this country are established with equal care, fifty years will see a great change for the better in American mines. The enormous losses which are to-day experienced, even in the best conducted works, and the absurdities which are perpetrated in the name of mining, will pass away with the ignorance that causes them.

JOHN A. CHURCH.

ART. IV. — THE CIVIL-SERVICE REFORM.

SOME forty years ago a President of the United States first avowed and acted upon the determination to make the use of governmental patronage a means of partisan control in public affairs and of party success in political strife.

From that day to this the corrupting influence of such a use of the appointing power has been constantly widening, reaching out into new circles, until there is no backwoods hamlet so obscure that its moral atmosphere has escaped the contagion of the degrading hunt for place. Beginning with the purpose of moulding an independent Congress to the Executive will, the power of patronage was found to be too seductive, and no limits could be put to its use. The pettiest administrative places were brought into the pool from which the prizes were apportioned; and when the last and least clerkship had been

distributed, every deputy-constable appointed, and the mechanics' and laborers' places about a navy-yard made subservient to party success as distinguished from the public advantage, the horse-leech cry of "give" was only more clamorous; new places must be created that they might be given away, and dishonest gains in office had to be winked at or shared, on the plea of party necessity or interest.

The mischiefs and abuses in the present system have gradually become known, until at length it seems to be almost universally recognized that our civil service, as it exists, is little better than a nuisance, that must be thoroughly reformed, unless we are to admit that republican government is a failure in the ordinary business administration of public affairs. The people of the country earnestly desire that the public service should be honest and efficient, and are eager to find some practical mode of reaching the end they aim at. They are told by those who profess to have experience in public affairs, but who have no faith in the possibility of a reform, or no desire for it, that the present is the only practicable way of supporting a party, and that without such support none of the results can be secured for which the party is organized.

It seems desirable that those who have had some experience in public life, without losing faith in the practicability of a satisfactory organization of the civil service, should also be heard; and perhaps they could do no more valuable work than to give, without reserve, the results of their observation of the present system, and their views of the means by which a better may be reached.

So long as a rapidly growing nation was comparatively free from taxation, and the abounding wealth of the country made everybody careless of expense, it was easy to shut our eyes to the growth of evils which seemed of little consequence. Now, however, our burden of debt is enormous, and our taxation beyond anything we had dreamed of before the war. The necessity for collecting and disbursing an immense revenue has greatly enlarged the machinery of administration; and the mischiefs of a wrong system have multiplied at the very time when we need every help in diminishing the burden that a proper organization of the public service could give.

The people are aware of this, and their determination to try what reform can do has become significantly apparent.

The administrative offices of the country are naturally divided into two classes, viz. those which are filled by popular election and those which are filled by appointment. The election system has its own evils, calling for reform, and the problem of making elections the things they ought to be, or of carrying out a truly republican scheme of representation in such a manner as to secure a real obedience to the will of the people, is one not easy to solve satisfactorily. It also must occupy a good share of the thoughts and efforts of the friends of free government, but our present inquiry is limited to that part of the civil service which is filled by appointment. It may turn out that, in seeking a practical solution of our difficulties, interchanges will have to be made between the two classes of offices, some which are now filled by appointment being made elective, and *vice versa*.

For our present purpose it must be assumed that the proper classification of places and employments has been made, and that we are dealing only with those which experience determines to be properly or necessarily under the control of the appointing power. We have to ask what are the facts in reference to the existing modes of appointment, and what are the remedies which promise to cure the evils which we discover.

Let us begin at the fountain-head of the dispensation of patronage, — with the President of the United States, — and inquire how he stands related to the officials of the country, and how his efficiency as the Executive is affected by this relation.

The outward conditions are those which first strike an observer. On the advent of a new administration, we know that the capital swarms with crowds of office-seekers applying for every imaginable place, from a diplomatic position at a foreign court to a messengership in a department at home. They come armed with recommendations and credentials which experience has proven to be worthless as evidences of character or capacity, but which certify on their face that the bearer is one of the most capable and deserving of men, whose labors in the election of the incoming President were of the most signal

and decisive value. It may be safely asserted that the disposition to please an applicant is sufficiently strong in the majority of our fellow-citizens to make it certain that any shrewd and importunate person can secure an array of names to his recommendations sufficient to prove him fit and worthy to be made Minister to Great Britain. Yet it is upon the number and weight of names so procured that the President is overwhelmed with demands for appointment. His anteroom and halls are thronged by the applicants, the more fortunate or important of them pressing their Senator or Representative into the service, to introduce them and stand sponsor for their merits and claims. The facility with which written recommendations are procured leads to duplicity on the part of the persons giving them; and it is no uncommon thing for one who has written a high eulogium upon the character and acquirements of a place-hunter, to write a private note begging that his formal indorsement may not be regarded of any weight, or to seek a private interview in which he will state that the person is quite the reverse of the picture drawn of him in the testimonial filed. With the knowledge of this duplicity and of the farcical hollowness of the whole business of giving recommendations and testimonials, the President and his secretaries must receive the endless tide of applicants, listening to the praises spoken by an official friend, with, perhaps, a note from the same official in the drawer of the table at which they sit contradicting every word of the high-flown panegyric so glibly poured into their ears, and with a feeling of wearied disgust at the necessity of receiving with equal serenity the hypocritical praises and the furtive denial of them from the same lips. Mr. Lincoln's grim joke about deciding between applicants by the avoirdupois weight of their recommendations was, like many of his jokes, a most keen satire upon the utter worthlessness of this mode of determining a man's fitness for public office. Yet when once it is regarded settled that official positions are to be distributed anew by every administration among its "friends," there is little better that can be done. So few of those who apply can possibly be personally known to the President or his advisers, that it must remain a choice among total strangers, in which every effort to gain an insight into the worth and fitness of the applicant is

neutralized by the consciousness that the system itself has destroyed the value of testimony in such cases. Despair of reaching satisfactory results begets carelessness and haste in disposing of what is unpleasant business at best; and the time when it can be announced that all vacancies are filled is looked forward to as a comparatively blissful future, in which the real business of the country may receive thought and attention. That time, however, does not come. No sooner is a man in place than his rivals or enemies are on his track, ready to prove that he was the most unfit person that could be chosen, and that the party will be utterly demoralized if he is not instantly removed and his place given to another. If a month or two were all that is wasted in this employment, it would be bad enough; but the truth is, that by far the larger part of the time of the President and all the members of his Cabinet is occupied by this worse than useless drudgery, during the whole term of his office, and it forms literally and absolutely the staple of their work. It is therefore no figure of speech to say that administering the government means the distribution and redistribution of its offices, and that its diplomacy, finance, military, naval, and internal administration are the minor affairs which the settled policy of the country has relegated to such odds and ends of time as may be snatched from the greater cares of office.

But this is by no means the whole of it. The members of Congress do not escape from similar burdens. Instead of studying the subjects of legislation, their tables are piled with letters from constituents seeking their influence to obtain place, and ranging the whole gamut from obsequious petition to insolent and imperative demand. At the beck of some local politician whose influence at home must be courted or feared, they leave their seats in the Senate or House and visit the White House or one of the departments, to introduce their importunate neighbor, and say everything in his behalf which the utmost straining of conscience will permit. They leave the breakfast-table to find numbers waiting for them to invoke their assistance and presence in applications to be pressed before the opening of the day's session. They often apologize to the heads of departments for their own importunity, declaring with per-

fect truth and sincerity that they get rid of all the cases they can decently put off, and only bring those they cannot possibly get rid of.

Leaving Washington, we do not leave behind us the application nuisance. Every collector of customs or of internal revenue, every assessor or postmaster, and every United States marshal, finds himself in a greater or less degree the object of the same kind of pressure for the subordinate places at his disposal, varied by the occasional claim of a member of Congress or of a committee to dictate to him the nominations to be made.

All this is on the assumption that the appointing power is not used with any deliberate attempt to make it a political engine, but that we are only dealing with the evil of office-seeking in itself, including the obstructions to public business and the other mischiefs which have grown out of the widespread habit of seeking official position, under an exaggerated popular taste for public place.

If, however, we add a purpose to make political capital or the means of personal advancement or profit by the use of the power of appointment, it becomes at once apparent that what was before only an annoyance and a clog to the transaction of public affairs becomes a positive corruption, with terrible depths of abuse. Suppose a President to have determined to use his patronage to enforce a policy or to secure a re-election. The bargaining for appointment becomes at once a systematic bribery scarcely more disguised than the system of corruption introduced into the English Parliament under the Walpole Ministry. Euphemisms may be found to avoid terms of direct bargain and sale, as they are in all other modes of dishonest dealing, but the fact is none the less real and none the less understood that a barter of places for votes or influence is made; and the chaffering for price is carried on by a class of brokers with almost as much openness as in the stock or corn exchange. Adroitness and skill may cover up the more unpleasant features of the transaction, and a lack of those qualities may leave the grosser and more shameful evidences of bribery to become apparent; the difference is one of appearance only, and the degrading effect upon all concerned is scarcely less in the one case than in the other.

A political difference between the Executive and Congress only increases the corrupting elements. During Mr. Johnson's administration, it was notorious that duplicity of the most shameless description was used in obtaining an appointment from one end of the Avenue and a confirmation from the other. It would be consoling to be able to believe that still lower forms of bribery and cheating were not made use of. In many instances two wholly separate sets of recommendations and credentials were procured; one proving that the applicant was a faithful supporter of the President and a reliable friend in his contest with Congress, the other proving him with equal conclusiveness to be a radical of the radicals and an utter despiser of the Presidential policy. More than this, it may be easily proven that one or the other party was often cognizant of the fraud that was perpetrated, and the partisans of either side congratulated each other that an appointment or a confirmation had been procured by which the other party was completely cheated. To one who was at all acquainted with the intrigues then rife at Washington, it is no wonder that peculation had invaded every department of the administration, and that a maximum of taxation was producing a minimum of revenue. The condition of things was one in which honesty was a chimera and fraud was reaping its harvest. It was a game of "diamond cut diamond," in which the two parties were using all the resources and refinements of intrigue to get the start of each other in the control of the offices; whilst dishonest incumbents were plundering the people under the shelter of a Tenure-of-Office Act which seemed to be skilfully adapted to remove every trace of responsibility from both the appointing and confirming powers. The Republicans in Congress were complaining that the President refused to remove men who were indicted or convicted in the courts, and the friends of the President retorted that the Senate refused to consent to the removal of others who were proven to be plunderers of the treasury on the like evidence. It would be useless to inquire whether either or both were right; it is enough to state the undeniable fact, that a condition of things existed which rivalled the most corrupt era that can be found in the history of any nation. Men were known to offer five thousand dollars for the

influence which might secure an appointment to a gauger's situation in the revenue service, where fifteen hundred dollars was the limit of the pay that could be honestly earned, and when it was morally certain that the advent of a new administration would terminate the employment within a year. This is simply a type of similar transactions extending through many grades of the public service.

But why dwell upon a period which we all try to believe was exceptional in our history? Because the fact that such a state of things was possible is the strongest proof that the system under which it existed was an utterly wrong one. The proposition to which we must come is that the civil service of the country must be so organized that it shall be impossible for any President to make use of the appointing power as a means of enforcing a policy, or of controlling votes in Congress or elsewhere. We must cultivate a public sentiment which shall regard and treat such a use of power as in itself corrupt and corrupting, and at war with the true principles of representative government.

Besides we must remember that as no man becomes utterly vile at a jump, according to the ancient proverb, so no reformation of an organized government can be speedily made under the system which has been the vehicle of corruption. The way back is not more easy than the downward road. We may reduce somewhat the more glaring evils; we may diminish a little the peculations; we may increase the watchfulness against frauds, and so restore a comparative honesty of administration; but a wrong system will balk the efforts of the best Executive, and prevent anything but the merest palliation of the evils we endure. The individual who has gone far into bad ways must be converted, and base a new life upon a new rule of life; the nation which has drifted into wrong systems must also apply the axe to the root of the tree, and base its reformed government upon a new principle of administration.

We have been looking at the effects of Executive abuse of the appointing power; let us trace its influence in the legislative department of the government. When a President determines to use the patronage at his disposal for a personal or party purpose, it results practically in farming it out to members of

Congress. He may retain the right to favor special personal friends and retainers here and there, or allow his Cabinet officers to do the same by theirs, but this will all amount to but a drop in the bucket. The influences most useful and most formidable to the Executive are in Congress. If local selection or distribution is to be exercised, the congressman is the person most fully advised as to the value of various local influences, and the importance of conciliating or rewarding them. He is also in most cases the most efficient and active coworker with the President, if he can be induced to accept a common purpose and labor for a common end. Assuming, therefore, a purpose to maintain what is known as a party rule, through the usual subordinations of rank and importance in the organization, the congressman becomes almost inevitably the most active and powerful of the dispensers of patronage, since he alone, of the several departments of the government, is in immediate contact with the people, and has a district to look after not too large to permit a general personal acquaintance with all the more prominent and active citizens and politicians in it.

If there were any sovereign method of insuring disinterestedness in our legislators, and an eye single to the public good, the appointment by a responsible Executive upon such intelligent advice would produce the best results the system of patronage is capable of. Indeed, in the early days of the Republic, before the beauties of rotation in office had been discovered, we had a fair example of what might be done in this way; and for many years there was very little to complain of. What is popularly known as the Jeffersonian rule as to qualification and fitness seems to have been pretty fairly applied, and the traditions of the departments at Washington affirm that a removal for a political reason was almost wholly unknown till after the close of the administration of the second Adams. The time came, however, when American politicians adopted the war-cry, "To the victors belong the spoils," and we have to confess with shame that its effect upon our politics was the same as the cry of "Beauty and booty" upon an army entering a captured city. We have become familiarized with a disgraceful scramble to such an extent that we now wonder at

our own apathy, and begin to realize the fact that the public conscience had become partially seared.

The practice of using the gift of offices for selfish or merely partisan purposes could not and did not stop with the President. The congressman who received his quota of the patronage had his own ends to accomplish with it. There have always been in Congress many men of elevated character and purposes, who have made a strictly conscientious use of their powers and influence. The country would long since have gone to ruin if this had not been so. But there has also been a large and growing class who have deliberately used their position and its influence solely to retain their seats and further their purposes of personal ambition. This class of persons has gradually come to regard as their personal appanage an aliquot part of the public offices, equal to the proportion of one to the whole number of congressmen, and have declared themselves robbed of their rights if it was not fully accorded to them. They have used this patronage systematically and avowedly to retain their own places, and strengthen themselves in their several districts or States. For this purpose it has been manifestly necessary to treat a rival or an opponent within their own party as if he belonged to the opposing organization. An authentic and recent instance of this will explain and illustrate the practical working of the custom better than much general statement. A gentleman who had held one of the highest positions in the government of his own State, and who had been recognized as one of the most powerful supporters of his party in the State, desired, for what seemed to him honorable and sufficient reasons, to secure a minor appointment abroad. He was personally well known to every member of the delegation of his State in Congress, and some of these were addressed with a request to favor his appointment. Their responses expressed the highest regard and appreciation of his public character and services, but signified that it was an understood rule that the assistance of other members of the delegation must depend upon the support of the member from his own district. The person applying, however, was not the "friend" and personal supporter of the member from his district, and that member's approval and

recommendation could not be obtained. The whole delegation, consequently, felt obliged to refuse their assistance. The gentleman thereupon addressed the head of one of the departments with a statement of the facts, and inquired whether one who had been a somewhat prominent supporter of the administration in his State, and had been elected to an important State office by his fellow-citizens, was to be held to be entirely at the mercy of his Representative in Congress, so far as Federal favor was concerned. The result of this appeal was a promise from the proper quarter of an appointment of a local character at home, the position abroad having been meanwhile filled. This promise being made known, the Representative at once made vigorous protest, putting it avowedly on the ground that it would be his own political death to allow one who might be a rival to have a Federal appointment within the district. The protest was recognized as within the custom in such cases, and the promise was withdrawn. On this the friends of the disappointed man began to make somewhat dangerous agitation at home; an indignant denunciation was received from the applicant himself, and a new attempt at compromise was made by the offer of another place out of the district, which was declined. The result was a disturbance in the district, producing what is called "demoralization" of the party, and an opposition member was returned to Congress at the next election. As is usual in such cases, the moral drawn from the occurrence varies according to the stand-point. One faction declares that the lesson taught is to tighten the party discipline and "shoot the stragglers"; others being foolish enough to conclude that the thing proven is that the civil service needs reformation, and that "patronage" should be cut up by the roots.

The case is a perfectly fair sample of its class in all particulars, and illustrates with fidelity the tendency to disruption and defeat, which is found wherever a dominant party attempts to perpetuate its power by the distribution of the "spoils," which tendency is strong in the direct ratio of the intelligence and independence of the constituency.

Running down the scale of honor and importance of places, we find everywhere among self-seeking men the same eager-

ness to use the power they have to perpetuate their tenure of official life. Sycophancy, adulation, bribery, and all the rest of the loathsome catalogue of political vices, thicken as we descend, till we reach the "rough" doing the ballot-stuffing or the curbstone fighting for his party, and making his gains by stealing the money he has received from some candidate to "treat" the independent voters who may be bought with a dram of whiskey.

From top to bottom, the whole class of politicians who avow the purpose of keeping up "the party" by the appeal to the selfish desires for place and profit are bound together by the common interest of the "ins" to keep themselves in and to keep all others out. The term "log-rolling" has passed into our political vocabulary, because it so exactly describes the trading politician's action on the principle of "help my scheme and I 'll help yours." A corrupting distribution of patronage is the natural and almost inevitable result of the common purpose of office-holders to preserve their places; and if we once admit that a President may use his appointing power as a party machine, or to influence his own re-election, an inexorable logic carries us to the conclusion that it is admissible and proper for a congressman to use his share of the patronage in the same way, and to perpetuate his power by the ostracism of every independent and self-respecting man in his district; whilst the whole favor and influence of the government is given to the circle of obsequious followers, who are prompt to wheel or face when they receive the order from their commander. It is beginning to be apparent that the American people think this is not the style of government they bargained for, either in 1776 or in 1861.

Any one who reflects for a moment upon the natural workings of cunning selfishness will comprehend how, out of the common purpose to keep themselves in power, which rules the professional politicians, has grown the custom of levying assessments upon office-holders of all grades. The party has come, in the main, to mean nothing but the organized company of placemen. Levies may be made upon the general public for votes, and a popular demand for any reform which does not touch the offices may be zealously or even vocifer-

ously supported. It is the prime characteristic of the true politician to out-Herod Herod in that way, otherwise the honest voters could not be led with success; but when it comes to the distribution of places and profits, no European guild or secret brotherhood ever worked with more singleness of purpose or absolute accord, than does this class of persons to keep everything of value within the proper ring. The first lesson of a subordinate, therefore, is that he owes his place to influence. Second, that if he would preserve his place he must recognize and do homage to that influence. Third, that he must never let any sense of duty to the public interfere with the plans and purposes of those upon whose influence he is dependent. Fourth, that in the interests of his leaders he must do and pay what he is bid, and ask no questions.

Out of this kind of education comes the willingness to pay assessments on salaries without rebellion. Men of good character in subordinate places learn to say with passive submission, "My family's bread depends upon my retaining my place, and we had better have the half-loaf than no bread; asking no questions for conscience' sake, as to what is done with the rest." This is what has made it possible that a vulgar ruffian, clothed with the rank of a United States marshal, could stand at the pay-table of a custom-house, and see to it that the party tax was inexorably deducted then and there by the government officer from the monthly salary of each clerk and inspector, as he stepped up for his money and receipted for more than came into his hands. This, too, is what has made it possible, under another and better party administration, for the pay officer in the Capitol to inform clerks, doorkeepers, pages, and folding-boys that they were "docked" so much of their salaries by order of a party committee. Finally, a long course of this education that benumbs the moral sense has made it possible for committees of the party of purity and reform to throw away even the thin disguise which had before testified to a respect for public opinion, and to address circulars to government employees, levying in form an income tax not known to the statute-book, to be paid into the hands of men rendering no account to the tax-payers, and in regard to the use and disbursements of which the tax-payers would have neither knowledge nor control.

To liken this to the voluntary contribution to a fund in the hands of a committee of our own choice is a simple addition of insult to injury; and when to these facts is added the other, that it is generally believed and understood that the object of one of the most important of these committees is to secure the re-election of the present congressmen of their party, and is in fact as far as possible a mutual-assurance society for the preservation of place, the climax of the abuse of patronage has been capped. It becomes simply a machine for preventing a free representation of the people.

Most of the abuses above referred to may be called political, as distinguished from those which are strictly administrative, and which are found in the departmental conduct of the public business. The effect of such a system upon the subordinates of the government in the departments at Washington, or in the various Federal offices of the customs, the internal revenue, the Indian service, the Land department, etc., might easily be predicted without actual experience. It matters little what the law may be as to qualification, if the law-makers and the Executive have a common interest in reducing the statute to a dead letter. Thus there has been a law in existence many years, directing that candidates for clerkships in the departments should be subjected to a preliminary examination as to their intellectual competence. Yet this law from its very enactment has been habitually disregarded, or the form of an examination under it made the veriest farce. Instances are told in the departments of the sum total of the examination consisting of a single question, such as, "What did you have for breakfast?" or, "Who recommended you for appointment?" or "Where would you go to get your pay at the end of the month?" Nor are these fanciful burlesques; they are simply extreme instances of a laxity so general, that it may be fairly said that an examination has hardly ever stood in the way of the appointment of a person recommended "influentially." It is not necessary to assume that the examiners corruptly refuse to discharge a duty. In the first place, the experience of every civilized nation has proven that any examination not rigidly competitive in its character soon degenerates into a mere form. The *rationale* of this, as well as his

invaluable testimony to the fact, is given by Mill in his familiar treatise on Representative Government. He says: —

"A mere pass examination never, in the long run, does more than exclude absolute dunces. When the question in the mind of the examiner lies between blighting the prospects of an individual, and performing a duty to the public which, in the particular instance, seldom appears of first-rate importance, and when he is sure to be bitterly reproached for doing the first, while in general no one will either know or care whether he has done the latter, the balance, unless he is a man of very unusual stamp, inclines to the side of good-nature. A relaxation in one instance establishes a claim to it in others, which every repetition of indulgence makes it more difficult to resist; each of these in succession becomes a precedent for more, until the standard of proficiency sinks gradually to something almost contemptible." — Ch. XIV.

Precisely this is what has occurred under our own system, with the additional downward tendency that has been given by the "spoils" theory of the distribution of office. If a politician has of right a certain number of clerkships assigned him as his share, it requires a very little addition to the theory to give him complete control of the question of capacity and fitness. Such has been practically the result, and the departments have been made the asylum for the worthless and incompetent dependants of persons "of influence," who have often received their pay without giving any return for it, because the head of the division or bureau could not intrust them with the simplest clerical duty. This has often extended to cases in which the grossest and most offensive immoralities have been shielded and protected by that personage, so potential in Washington, "the member from his district." An instance may be taken from the experience of the chief of an important bureau as given by himself. He had a division of clerks of general fair character, among whom were heads of families of high and even religious morality. Into this division, by the influence of a prominent member of Congress, was introduced a young man who proved to be not only of little use as a clerk, but so wantonly and offensively obscene in his common conversation as to outrage the feelings of every decent man, and to provoke from his fellow-clerks a general remonstrance against his being allowed to remain. The head of the bureau

took the case up and recommended his dismissal on the double ground of general incompetency and gross immorality. The congressman, with full knowledge of the facts, opposed and for some time succeeded in preventing the removal, and when at last, upon the earnest and energetic instance of the chief of bureau, the fellow was finally disposed of, it was only to remove him to another bureau, and the officer who had procured it to be done was abused and persecuted by the "member" whose patronage had been interfered with. A very slight familiarity with the departments is enough to convince any candid person that a minority of really competent officers are doing the work, obstructed, trammelled, and burdened oftentimes with the necessity of performing over again the work of the incompetents who are prompt in nothing but their appearance at the pay-table at the end of the month.

The efforts made from time to time to correct or mitigate the evils are only temporary palliatives; and however energetic the heads of departments and of bureaus may be in their efforts at reform, they labor against customs that are inveterate and almost omnipotent. The subordinates themselves have no faith in any permanent reform under the present system of appointments. The general conviction was expressed by a clerk in the Interior Department to an industrious new-comer, when he said, "This is all very well, but before you have been here as long as I have, you will learn that it is influence and not work that, in the long run, will keep you in your place or promote you."

Under any reasonably efficient system, promotion ought to mean a recognition of merit and capacity. Yet instance after instance could be given in which heads of bureaus have declared that the greatest obstacle in the way of inspiring the clerical force with new energy was the fact that the higher places were filled by incompetents who had been appointed and retained only by superior "influence."

When we inquire what must be the necessary result of selecting such officers as Indian agents, local land officers, officers of the revenue, etc., on such a system, the answer is easily given. The goodness or badness of the selection will depend very much on the character of the community in which the

officer must serve. In one of our country districts, where the official must perform his duty in the eyes of an intelligent and virtuous people, where every act is likely to be known and criticised by the whole constituency, the chances will be greatly in favor of securing good officers; but in the great cities, where individuality is lost in the greatness of the mass, and in the Indian country where no civilized community exists and the officer is left to his own conscience and the mere forms of law, the whole country knows how impotent our system has been to secure satisfactory results.

Of course there must have been some redeeming influences, or we should long ago have been reduced to anarchy. Such checks upon extreme demoralization have been found in the fact that there has always been in Congress a goodly number of men who were in earnest in trying to serve their country, and that not only have the Presidents and Cabinet officers been generally men of good purposes, but from their very situation they have had some interest in preventing the civil service from becoming as inefficient as our unfortunate system would permit, or at least in diminishing the grossest abuses of the use of influence and patronage. Thus it has generally turned out that the heads of departments, however ardent politicians themselves, have sooner or later been found growing conservative on the question of appointments and removals; and even if they continue to admit the general theory of the congressional distribution of patronage, they have tried to limit its practice, to hold on to tried and competent subordinates, and to yield slowly when they must yield to the clamor for the "general sweep" of which the public hears so much.

These saving influences are only palliatives, however, and temper the evils of which we complain only in the unsatisfactory way that some Oriental despotisms have been wittily said to be tempered by assassination.

What, then, is the remedy? It is to apply to the civil service, completely and thoroughly, the plain principles of common business administration; to separate the public offices, absolutely and forever, from all favoritism, nepotism, and "influence"; to declare patronage in all its forms to be anti-republican and dangerous to the state; to find and practise

upon a principle of selection for office which shall give every citizen of the country a perfectly equal chance to prove his capacity and fitness for the public service; and to obtain a position in it when he has made the proof, with thorough independence of President, secretary, or congressman, and simply and solely because of his citizenship and his fitness. It is further, to adopt in the permanent civil service a tenure of office during good behavior, with the hope of rising to the highest grades of the routine service by industry and strict devotion to duty.

In brief, the principle to be adopted is, admission to the civil service only upon the results of a competitive examination open to all, and dismission only upon ascertained failure of capacity or character.

There should be no attempt to disguise the fact that it is the purpose of this theory of administration to prevent the civil service being used in any manner or to any extent as a means of party success, except as a thoroughly good and business-like administration would itself commend to popular favor the party which should practise it.

Perhaps as good a statement of this view as we could make would be to say that the administration of the public business and the selection and discipline of the routine officers must no longer be regarded as a *means* in politics at all, but an *end* at which political effort should as distinctly aim as at a proper system of imposts and internal taxes. Until an entirely satisfactory system is reached, no other question in political economics should be regarded as superior to it, because no other affects more vitally the pecuniary interests of the people, or the success and stability of real republicanism in our government. We should no more admit that the routine civil offices of the government can properly be made a political fund for the purchase of party success or the reward of partisan effort, than we should that the revenues, when collected, should be used for the same purpose. The civil service cannot be made a party cash-fund to secure the revenue system which the party advocates, any more than the taxes can be used in the same way on the plea that the party is seeking to secure a good civil service. Whatever change of form the proposition

may take, nothing less radical than this will meet the difficulty and correct the abuse.

Let us look for a moment at the several elements of the principle above enounced as the true rule for the civil-service organization, viz. admission only upon competitive examinations open to all, and dismission only upon ascertained failure of capacity or character.

Perhaps enough has already been said upon the necessity of making the examinations competitive. The authority of Mill has been quoted as to the worthlessness of any mere "pass" examination; but in view of the fact that England has already made a successful effort to reform her own service upon the principles which that eminent man has laid down, a further extract from his treatise may be proper. He says it is "*absolutely necessary* that the examinations should be competitive, and the appointments given to those who are most successful." As an example of the comparative results of the two methods of examination, even when free from political influence and intrigue, he refers to Oxford and Cambridge, saying: "Examinations for degrees at the two great universities have generally been as slender in their requirements as those for honors are trying and serious." Applying the principle to all public examinations, he sums up as follows: —

> "When, on the contrary, the appointments are given to those, among a great number of candidates, who most distinguish themselves, and when the successful competitors are classed in order of merit, not only each is stimulated to do his very utmost, but the influence is felt in every place of liberal education throughout the country. It becomes with every schoolmaster an object of ambition and an avenue to success to have furnished pupils who have gained a high place in these competitions, and there is hardly any other mode in which the state can do so much to raise the quality of educational institutions throughout the country." — *Rep. Gov.*, Ch. XIV.

Apart from the weight of so decisive an authority, our own experience proves the necessity of making examinations competitive, because, in spite of the law requiring a general examination, our practice has notoriously and undeniably become no better than if no examination whatever were required. A spasmodic effort to make the examination mean something

may be made when public sentiment is for the moment aroused; but he must be dull indeed who does not see that when the mere scratch of a pen of the head of a department or a bureau may decide in favor of an applicant influentially supported, and nobody be at all the wiser for it, there is no security at all against a return at any moment to the most undisguised forms of office jobbing. Attempts to uphold any form of mere pass examination, therefore, should be treated as a device of the enemies of a true civil-service system to avoid an issue which cannot be fairly faced.

As far as the experience of any of our own departments and bureaus has gone, the evidence is most decisive as to the value of the competitive system. The condition of the Patent Office, at the termination of Commissioner Fisher's recent connection with it, may be confidently appealed to as demonstrative proof of what we are asserting. The class of younger officers admitted under competitive examinations is doing much more and much better work than has been usually accomplished by men of similarly brief experience in the office. No one could become even superficially acquainted with the organization of that important bureau without seeing that a spirit of emulation and zeal in their work had taken the place of a listless and negligent performance of duty. A single fact may be mentioned as being an experienee almost if not quite unique in the history of department administration at Washington for the last forty years. During the past year the place of one of the principal examiners of patents became vacant, the salary being twenty-five hundred dollars, and the place regarded one of the most desirable in the Interior Department. The Commissioner of Patents announced that it would be filled by a competitive examination among the first assistants; and such was the general understanding of the firmness with which the system would be adhered to, that not a single application for the position was made either to the Commissioner or the head of the department during some three months that it remained open.

The objection is often made by those who have given the subject a very superficial consideration, that the successful competitors in these examinations will usually be boys fresh from school or college, and that older and better men who have

become "rusty" in their school knowledge will fail. Two answers to this are conclusive. One is that the examinations in every well-regulated system are so ordered that the specific knowledge most used in the bureau itself is that which counts for most in the competition. The general education of the applicant is tested, and the only conceivable method of doing that must be, as Mill has remarked, to examine him upon the topics of a general education. But this is so conducted as to call out his special fitness for the place he seeks, if he has it. Thus, in the Census Office, as we shall presently see, the test part of the examination runs mostly into arithmetic, and the computations in numbers which form the basis of statistical compilation. In the Patent Office, the principles of mechanics, hydrostatics, and hydraulics counted for more. This is well shown by the report of the competitive examination for the place of chief assistants in the Patent Office in 1869, and of which the results were given by the Commissioner in his general report for that year. One hundred questions were put to the candidates, the questions being counted equally in the grading of merit. Of these ten were upon general exercises, like the drafting of business letters, preparation of papers, penmanship, etc.; ten were upon geography and astronomy; seven were upon history; fifteen were upon mathematics and the principles of mechanical drawing; twenty were upon patent law and the practice of the bureau; and thirty-eight were in physical philosophy. It is therefore evident that the applicant might fail in nearly every part of his examination but the two last divisions, and that his rustiness in history or geography need not exclude him if he were well prepared in things most germane to his duties.

But a still more conclusive answer is the statement of the actual result of the examination, showing that it was not the school-boys who carried off the prizes, nor yet always those who had had most experience in the office. In two examinations of classes of seventeen and twenty-four competitors respectively, *four* were appointed from the head of each list. The following table, which is taken from the annual report of the Commissioner, shows the age and the most significant facts in the history of the successful men, illustrating the working

of the system. It should silence all cavils of the kind we are now noticing: —

First Examination.

No.	Age.	Where born.	Education.	Practical Experience.	Army or Navy Service.	Previous Office Service.
1	22	Ohio.	High School.	3¾ years machinist.	None.	1 month.
2	50	Virginia.	Collegiate.	32 years engineer.	8 years.	21 months.
3	20	Maine.	Collegiate.	2 years cabinet-maker.	None.	2 months.
4	28	West Virginia.	Academical.	8 years printer.	2¼ years.	2 years.

Second Examination.

1	40	Vermont.	Collegiate.	5 years.	None.	None.
2	31	England.	Common School.	None.	2¼ years.	2¼ years.
3	37	Pennsylvania.	Collegiate.	None.	1 year.	2 months.
4	33	Connecticut.	Collegiate.	Leather manufactory six months.	None.	None.

The organization of the Census Office has afforded quite as decisive evidence of the good effects of competition. As everybody knows, the Census Bureau is not a permanent organization, but is called into existence only at the beginning of each decade, for the purpose of taking the decennial census. The present bureau was therefore organized during the current year by the Superintendent of the Census, General Walker, who is a determined supporter of the civil-service reform. Down to the 15th of October six hundred and twenty-one persons were sent before the examining board on recommendations for clerkships. These were not taken at random from those who might apply, but were selected by the Secretary and the Superintendent from the best of the general class recommended for appointment in the department, or in that bureau. They were consequently a more than usually good average of the class of applicants before the departments, since considerable numbers withdrew on learning that the examination was to be competitive; and it may be safely said that few, if any, of the whole number would have been rejected under the usual modes of appointment. The examination was a written one, and the grade of merit, in a scale of one thousand, was fixed by the examiners in entire ignorance of the names of the persons whose papers were being scrutinized by them. It was made imperative that the applicant must reach four hundred in the scale to secure an appointment to a first or lowest regular class clerkship; and the appointments were made in

their order, from the top of the list. The report by grades, as given in the Annual Report of the Interior Department, is as follows: —

Over 950	900 to 950	800 to 900	700 to 800	600 to 700	500 to 600	450 to 500	400 to 450	300 to 400	200 to 300	100 to 200	Under 100	Total.
1	5	17	36	46	84	87	62	91	80	64	48	621

From this table it will be seen that only three hundred and thirty-eight succeeded in passing the examination, although only four tenths of the marks which would have indicated a perfect examination were required; and it is probably safe to say, that if the officers of the department had been able to adhere still more strictly to the proper principle, and throw the competition entirely open to all comers, it would not have been necessary to receive any whose merit was indicated by a grade of less than six hundred in the scale, of an examination no more severe than this. This would have included only one hundred and five of those actually examined. The bureau was proceeding carefully with an experiment, however, and it was thought wise to err on the side of moderation, and not to excite too great a clamor of opposing influences.

One thing, however, is demonstrated, that nearly half the class of well-recommended applicants, such as have usually obtained immediate and unconditional appointments to clerkships, were sifted out by a very moderate competition in the examination. This, of itself, speaks volumes as to the real competence of the average appointee; and yet it would prove a too favorable criterion by which to judge the standard of capacity in the older bureaus of the government.

Of course exclusion created a temporary clamor; and exaggerated stories were circulated regarding the severity of the examination. There were even instances of assertions by members of Congress that they could not have passed the examinations themselves; but as these assertions were supposed to be based upon the reports of disappointed applicants, who naturally tried to save their own credit by exaggerating the ordeal they had failed in, it would not be fair

to judge the congressmen by the test of the examination questions.

A publication of the questions used, with the answers actually given, *verbatim et literatim*, would be of great service in enlightening the public on the general topic we are discussing. An inspection of the penmanship would be still more decisive as to the qualification of the majority of applicants to become what may properly be called professional clerks. It is as much as the limits of such an article as this will permit, to say that the examination was chiefly arithmetical, as the statistical work of the bureau called for that class of ability; and the questions were so graded that a person of reasonably good penmanship, who spelled with tolerable accuracy, would be sure of avoiding rejection from the competitive list, if his examples in common arithmetic were correctly performed.

It should be carefully kept in mind, in the discussion of this subject, that we are not seeking in these examinations for legislators, generals, or governors. We are looking for *clerks* and subordinates, whose duties are in a routine that is clerical in its character. The duties of the governmental departments have more analogy to the general work of a banking-house than to any other; and we should secure a class of men who would naturally be found working their way up to the tellerships, or perhaps the cashiership, of a bank. Fidelity, accuracy, industry, neatness, and rapidity in strictly clerical work, with the prospect of advancement to the head of a bureau, for those who develop real administrative talent, are what we should seek on the one hand, and offer as an inducement to effort on the other.

We may assert, with the most complete confidence, that competitive examinations are not only theoretically the best method of determining the qualifications of applicants for routine offices, but are proven by the experience of our own departments, as well as by that of other civilized nations, to be also the best practical means of securing a good civil service, and the only refuge from evils that become more intolerable the more closely they are viewed.

But how is it as to the *freedom* of competition? Should the examinations be open to all? Undoubtedly they should. By

our hypothesis we have discarded the corrupt system based upon patronage and influence; and the only way is to make thorough work of it. We have declared that we are seeking by means of competition the best men that can be procured for the places we have to fill. To say that we will stop at political lines is to discard our principle, and lug in by the shoulders the very enemy we have been trying to expel, namely, favoritism and partiality in the selection. There are political places which must be distinctly and permanently recognized as such; but they do not come within the list of routine offices; and in the departments, at the seat of government, they would not necessarily include any one below the rank of Cabinet officer.

The practice of selecting from the adherents of a party always and necessarily leads to abuse. When it is applied to mechanics in an arsenal or a navy-yard, most people find no difficulty in seeing that, in a country where labor is as much in demand as it is here, such places can only be desirable when some advantage in wages and terms of labor is given beyond what could be procured from private employers. The places are then made *prizes*, and, as such, are given to favorites and partisans. It is precisely so in all other forms of employment. The idea that the government is to adopt some other scale of the value of labor than that which is fixed by the general laws which control the labor market of the country, is wholly untenable. Whether the work be clerical or mechanical, the state should pay what such service is fairly worth in the market, leaving it to the advantage found in the assured permanence of the employ to attract into it the best class of employees, of the kind required.

It is notorious that those who are serving the nation look upon it as a grievance if they are called upon to use the same industry, or give the same time to their duties, as is required in the private business of the country. Their hours of labor are shorter, they are not as closely occupied during those hours, their vacations are longer and more frequent, and the interruptions of a casual kind are much more numerous. Under a system in which no political favoritism was used, this could not be so, to the same extent as now; although we may never

expect the public service to come quite up to the mark of a thrifty and well-managed private business.

Again, it is desirable that subordinate public officers should not be heated political partisans. Their right of private opinion they should religiously and jealously preserve, and vote according to that opinion ; but it would be every way better for the country that the governmental places should be filled by members of different parties indifferently. Corrupt administration would be much less likely when the chances of the exposure of improper conduct would be increased by the presence and knowledge of those who belonged to different parties. An *esprit de corps* would grow up, which would make it impossible to use the subordinates of a department for merely partisan work ; and they would be much more likely to remember that they are the servants of the whole people, and bound to watch closely the interests of the whole, and not of a part. Public sentiment would now condemn the head of one of our common schools who should make his office one in which he should try to convert his pupils to his own party in politics, or to use his office as a partisan ; but, paradox as it is now likely to seem, it is no less objectionable to have the ordinary administrative business of the country conducted with a view to party profit or advantage ; and it will not be long till the truth is recognized.

Upon the last of the elements of a good civil service, — permanence of tenure of office, — but little need be said. Establish free competitive examinations as the door into public employment, and the rest will soon take care of itself. Every interest of the people is so completely identified with the continuance of tried and faithful officers in their place, that it would not be long till public sentiment would as sharply condemn "rotation" in the civil departments as it would in the army or navy. We need skilled as well as capable officials. There ought to be systematic and continued disposition of business, instead of having every old claim, that has existed since the government was organized, returning for a new hearing once in four years or oftener.

The entire separation of the civil service from the control of politicians would secure a thorough and impartial congres-

sional criticism of all the administrative bureaus and their operations. The sloth and incompetence found in any department now is known by the members of Congress to be in no small measure due to the fact that their own friends and dependants have been forced into places. They know, also, that the pruning-knife would reach their own scions as quickly as another's if retrenchment, under a better system, were begun; and it requires no ordinary character to pass a "self-denying ordinance" of that kind. There have not been wanting demagogues who would declaim in favor of reducing the clerical force, and march straight to a department with an earnest appeal to crowd in one more clerk for them; but few men have the assurance for this.

The separation of patronage from public office would do as much as anything could do to elevate the class of men in the more important places of public life. It has been held to be the reproach of American politics, that few of our best men will enter the arena. The corrupting doctrine of the "spoils" has been a chief cause of this. Every village neighborhood is witness to the fact that elections to Congress have been very frequently influenced and nominations determined by a shameless bargaining of promises of place for votes and support. This jobbery has undeniably been the chief capital in trade of a large class of politicians. Take it from them, and they must either resort to the open and flagrant use of bribery with money, which could be more easily detected and punished, and which could only reach a much smaller class of dupes, or they must take their leave of public life. There can be little question that the immediate tendency would be to return to Congress a much larger number of able men of ideas, who would be chosen because of their ability to expound and advocate political principles. The good men already in both branches of our national legislature would be strongly reinforced by colleagues worthy of them, and our legislation would be lifted up at once to a higher plane of public morality and statesmanlike principle. It is literally within the truth to say that by the passage of a thorough civil-service bill, more than one half the time of President, Cabinet, Senators, and Representatives would at a single stroke be freed from a burdensome

and degrading employment, and made available for the study and comprehension of the nation and its wants. Statesmanship would then become possible as it was in former days, before it was smothered by office-seeking.

The English government has already far outstripped us in this great reform, making an accomplished fact of that which we, who boast of our practicality, are still hesitating about. We have sneered at the tenacity with which the ruling classes of England have stuck to their privileges, until they are able to turn the tables upon us and point to our ruling class, more greedy than theirs because the chances of prolonged power are less, clinging to this abuse of patronage when the English aristocracy has discarded it. It was at a meeting at Elgin in Scotland, in September last, that Mr. Lowe, the Chancellor of the Exchequer, was able to say proudly: —

"We have thrown open the whole of the public service, not to the more privileged classes, but to the people at large, — to those who possess ability and industry among the lowest classes just as well as among the highest. . . . I do not say that competition will always point out the best person for a clerkship. It is true that it will not, but it has this enormous advantage, it excludes an enormous quantity of incapacity that has hitherto found its way into the public service. . . . I think the greatest benefit of this measure is that we have withdrawn patronage from the dominion of party and have given it to the people; and it will be the people's own fault if they don't keep it for themselves now that they have got it."

It will be a proud day for the American people also, when one of its statesmen can truthfully take up these words and declare, "We, too, have withdrawn patronage from the dominion of party and given it to the people."

Prussia had long since led the way, under the guidance of her Stein and her Scharnhorst, and showed the world what could be done in making an intelligent people by general education, and a model civil and military service by applying to them the rigid principle of selection, without favoritism in the one or exemption in the other. She is now demonstrating what economy, thrift, and power may be the result of such simple means. With our liberty in the place of her monarchy, we ought to be able to reach still higher and better results,

and show the world a model of administration as well as of freedom.

There should be no controversy among the friends of civil-service reform as to the statutory means by which the result is to be reached. Anything which distinctly and unmistakably enounces the true principles of open competition and permanent tenure will serve as a rallying-point, and can be perfected as experience may demonstrate the practicable improvements. Mr. Jenckes in the House, and Mr. Schurz in the Senate, have ably conceived and advocated the principle contended for in these pages, and the bills prepared by either would, if passed, be efficient to destroy the abuse we are fighting. It may, however, be well to consider whether the simplest possible expression of the ideas held in common by all civil-service reformers would not draw about it the strongest support.

The Executive would be charged with carrying into effect the measure that might be enacted, and the heads of departments, under the observation of the friends of the measure and stimulated by a public sentiment manifestly growing rapidly stronger in support of the reform, would undoubtedly seek with earnestness for the easiest and most satisfactory mode of carrying the principle into practice. If hesitation or obstruction should become apparent, the correction by legislation in detail could then be easily applied.

Before closing this examination of the subject, another phase of the relations of the Executive to the appointing power seems worthy of consideration. We ought not to overlook the fact that in lopping off the abuses of patronage we find it necessary, in order to remove it from party control, to diminish very greatly the power and influence of the President upon the legislative department of the government. It is true that the exertion of an influence by means of the distribution of patronage has been in itself, as we have seen, a source of corruption; yet it has been a great power, and the removal of it must diminish the importance of the Executive among the co-ordinate branches of the government. The patronage of the administration in the hands of an adroit and unscrupulous manager would make him almost omnipotent with an ordinary

legislative body; but without it, unless some other means were used to restore a part of the lost influence, the Executive would become a mere cipher in determining the larger policy of the government. For many reasons such a result is not desirable. A co-operation of Executive and legislature in that determination of measures which precedes the legislative act is demonstrably necessary to good government. The knowledge of the intimate working of the laws themselves can only be had by those whose duty it is to administer them, and no legislation can be safe unless the executive departments can in some form bring their experience to bear upon the discussion and determination of statutes which may change the whole current of the administration of the government. Scarcely a session of Congress passes without the enactment of laws containing the most embarrassing interferences with, or changes in, the established modes of procedure in the various departments. Thus, some years ago, when the Committee on Public Lands had prepared, with the assistance of the Land Office, a careful revision of the statutes relating to the settlement and sale of the wild lands of the West, and had procured the passage of the act correcting inconsistencies and simplifying processes, it was found that *pari passu* with it had gone through another act nominally to establish a Land Office in Colorado, but containing also a clause introducing the direst confusion into the well-digested system which the committee had laboriously perfected. No one had noticed the mischief who chose to expose it, and the work of the committee for the session was in an important part neutralized for the lack of some one on the floor familiar with the working of the Land Office, and able to speak with some authority as to the collision between the two bills. Precisely such duties in other constitutional governments devolve upon the Ministry, and our legislation suffers at every session for lack of the presence in Congress of the Cabinet officers of the government. The instances are so numerous, that the embarrassment is rather with the abundance than with the lack of them. Whoever may have the curiosity to look through debates on bills granting lands to railways will frequently stumble upon assertions that the amount which the corporation can get under the proposed act is a mere bagatelle; that the

lands are mostly entered already ; and that a trifling assistance is all the railway can hope to procure. Yet it is incontestable that under just such assertions, feebly contested if at all, and rarely if ever met by an authoritative and official declaration of the actual extent of the grant sought for, millions upon millions of acres of the public domain have been given away. It is not necessary to inquire whether the grant even of millions of acres may not in some instances have been advisable : the point is that such grants should never be made without full and authentic official statements of the exact extent of the territory included ; and such statements will very rarely be procured, or the debate delayed to procure them, unless the departments are represented on the floor.

So when the appropriation bills are under consideration, what a relief it would be to Congress and the country to have the Secretary of the Treasury and other heads of departments present to explain all the items of the budget, in regard to which the most industrious committee can never be fully informed or carry in their memories the explanations they have received at the several bureaus.

The necessities and advantages of the change we are now considering have been so apparent, that bills have been introduced at different times and by members of all parties, providing seats for the Cabinet officers on the floors of Congress, and authorizing them to make official statements in answer to interrogatories, and, under certain circumstances to take part in the debates. No doubt the proposition would have met with much greater favor but for the fear of enlarging executive powers and influences which the possession of the Federal patronage made too formidable already. When, however, the patronage abuse shall have been destroyed, every reason will seem to favor giving the Executive a legitimate presence and pure influence in the legislation of the country, where formerly the influence was none the less real, and the means of exerting it every way demoralizing and corrupting.

A great advantage to be derived from such a participation of duties would be found in the necessity which would then exist for the Cabinet to be in the proper sense of the word a ministry, with a definite and avowed policy on public measures of

importance. The tendency in our government has been strongly in the direction of bureaucracy, each department, to use one of Mr. Lincoln's sayings concerning them, "running its own machine," with little or no attempt at harmony or co-operation. Indeed, what difference does it make whether the Secretary of State or Postmaster-General agrees with or dissents from the financial policy of the Treasury Department? The agreement or disagreement can scarcely be felt, except in casual conversations those gentlemen may have with members of Congress in their leisure hours. There is no legitimate and regular method provided by which the Cabinet shall exert its influence as a whole, unless it be supposed that the annual message of the President furnishes such a channel of influence. But no one familiar with our public affairs for the past dozen years will pretend that the message has any such significance, or that if it had, its weight with Congress has borne any definite proportion to the power of enforcing a policy by wielding the patronage. Let the Cabinet, however, be placed in the eyes of the public, where they must express their agreements or their differences upon matters of public importance, and, from the very necessity of the case, they will become at once a compact and thoroughly organized body, who can only be selected with a view to their known agreement on general policy and their special fitness to be its representatives in their several departments. No doubt this would result in their being more uniformly chosen from among men of experience upon the floor of either house; but, with the elevating influence of a thorough reform of the civil service, and the devotion of our rulers' time to statesmanship instead of office-jobbing, we may expect to find a congressional career growing more attractive to a large class of our best men who have proverbially avoided it; and there would be much less objection to making Congress the common route to high administrative employment.

With great hesitation, another and final advantage of such a change is submitted, which we may not be permitted wholly to overlook. As the Cabinet would be before the country, where their acts, opinions, and views could not be concealed, Cabinet changes, like ministerial crises in other constitutional governments, would carry with them their own explanation, and be

freed from the degrading gossip concerning personal motives and character, and the compromising and contradictory stories of newspaper "interviewers," which are now the bane and the shame of American politics.

From whatever point we view it, therefore, in its collateral as well as in its direct consequences, a reform of the civil service promises nothing but good, and we may reasonably hope to see the day when the present opponents of the reform will be anxious to hide from public notice the fact that they tried to prevent those who (to use again the language of the English statesman) would withdraw patronage from the dominion of party and give it to the people.

JACOB D. COX.

ART. V. — *Histoire de la Prusse depuis la Mort de Frédéric II.* Par EUG. VÉRON. Paris: Baillière. 1867.

La Prusse contemporaine et ses Institutions. Par M. K. HILLEBRAND. Paris: Baillière. 1867.

THERE is probably no nation of Europe whose early successes were less popular than those of Prussia. From the first her position has had a good deal of the *parvenu* about it; and it was only under the pressure of necessity that the great powers sullenly recognized her as one of themselves. The sympathies of the European peoples, again, were unanimously against her. The conservative among them were too closely drawn towards Austria not to catch some prejudice against her rival; and liberals turned with repugnance from a power which, to their eyes, personified absolutism in its hardest and least attractive form, — military absolutism.

Why Prussia should have had, at any one epoch of her history, the particular frontiers then pertaining to her, rather than other frontiers, depended upon the political contingencies of the times, and upon nothing else. She annexed Silesia and Glatz in 1742, because, thanks to the military genius of the Great Frederick, she was strong enough to annex them. In 1744 she seized hold of Eastern Friesland for the same

good old reason; and her share in the sundry infamous partitions of Poland did not certainly rest on any better title. When the Great Frederick ascended the throne in 1740, he found Prussia with an area of eight thousand seven hundred and forty-four square geographical miles, and a population of barely two millions and a quarter. At his death, in 1786, he bequeathed to his successor more than double the number of subjects, and a territory more than half as large again.

At the Congress of Vienna Prussia was enabled, by the prominent part she had taken in the overthrow of Napoleon, to vindicate a claim to further acquisitions. Her population was thus raised to ten millions, and her position among the first-class powers was firmly established. In the concessions made to her, however, the jealousy of her copartners in the European pentarchy was strikingly evident. With no natural frontiers, she found herself separated by the intrusion of jealous Hanover, and of Hesse, into two distinct masses, and was brought, by her sprawling configuration, into direct contact with all her most dangerous competitors, — Russia and Austria on one side, and France on the other. By the surrender of East Friesland she lost her position on the North Sea. Saxony, by Prussia's appropriation of half its territory, was thrown into the arms of Austria, and the cession to Bavaria of the Franconian principalities deprived the Hohenzollerns of the best affected of their subjects, while the Gallicized, Roman Catholic provinces of the Rhine, taken in exchange, presented every obstacle to amalgamation.

That special providence, however, which seems to have watched over Prussia from her cradle, turned these apparent elements of weakness into aids towards a yet higher destiny. The northern and eastern portions, which she had lost, were chiefly inhabited by Slavonians, and their excision left Prussia all the more purely a German power. Her irregular outline and extended ramifications multiplied her points of contact with the German-speaking peoples around her; and her position, facing Russia on the east and France on the west, gave her, in conjunction with her military prestige, the character of the proper defender of Northern Germany, and made her the indispensable accomplice of all patriotic aspirations.

The primary identification of Prussian interests with those of Germany had commenced, however, still earlier than the Congress of Vienna. It had commenced in 1813, when Frederick William III., conscious that the rush of the patriotic tide left him no alternative between floating upon it or sinking beneath it, yielded to the arguments of Stein, and signed, with Russia, the treaty of Kalisch (February 28th), — an offensive and defensive alliance, having the restoration of the Prussian Monarchy to its original status as an explicit aim, and being, therefore, tantamount to a declaration of war against France.

It is no exaggeration to assert that the germs of the characteristic military system of Prussia, of her constitutional development, and even of her present position as the representative of the idea of German unity, were sown and fostered under the pressure and by the direct incentive of the first Napoleon's cruel and contemptuous treatment of his fallen foe, — a treatment which one of the French writers before us states to have "left behind it miseries of which many were incurable, and hatreds which half a century of peace has failed to eradicate."

One of the provisions of the Treaty of Tilsitt (July, 1807), which followed the disastrous defeats of Jena and Auerstädt, prohibited Prussia from maintaining a larger standing army than forty-two thousand men. General Scharnhorst, who was at the time Minister of War, contrived to neutralize this prohibition by annually eliminating from the ranks a certain number of men whose training was completed, and replacing them by recruits. The army in this way became, as it actually remains, a military school through which all the citizens passed in turn, a sort of provisional furlough retaining them, for a fixed time after their discharge, at the disposition of the state.* Thus, and under this incentive, was created that formidable *Landwehr* system, which has been, probably, the most efficient instrument in inflicting upon France and the Napoleonic dynasty to-day's terrible retribution.

But Prussia needed something more than an efficient army. Her utter collapse after Jena clearly proved that the solid

* The reserve thus created contributed seventy thousand first-class soldiers to the desperate battle-fields of 1813.

foundations of a national structure were wanting. The masses were, in the country, little better than serfs; in the towns, mere hewers of wood and drawers of water, having no part whatever in the state organism, and therefore utterly indifferent to its political welfare. Fortunately, however, for Prussia in this her darkest hour, the helm of state was surrendered to a man whose surpassing ability was equal even to that surpassing emergency. This man was the Baron von Stein (born at Nassau, October, 1757), a statesman of indomitable energy, of the purest patriotism, and of rare grasp of thought and freedom from class prejudices.* Stein laid his finger at once upon the fundamental defect in Prussian policy to which we have referred, — the absence of a popular basis, — and set himself resolutely to its rectification. Three great reforms were immediately inaugurated, embracing the tenure of land, the municipal charters, and the internal regulations of the army. The edict of October, 1807, swept away all the feudal obligations resting on the peasantry, and made manors purchasable by commoners of any degree.† Trade at the same time was declared not to be derogatory to a noble, and intermarriages between members of the aristocracy and of the burgher class were permitted without preliminary sanction from the crown. The hateful distinctions of caste were thus undermined. The edict of November, 1808, restored to the citizens of towns their ancient privileges, authorizing all who were rated to a certain amount, without distinction of birth or creed, to take part in the election of the municipal authorities. At the same time commissions in the army were thrown open to all, as the recompense of good service and of personal merit.

There is no doubt that, had the opportunity been given him, Stein would have "crowned the edifice" with a regular representative system. But the despot of France, who had made himself the despot of Germany also, and seemed to take special pleasure in outraging and humiliating Prussia, soon per-

* Pertz's Life of Stein (*Leben des Minist. Freiherrn von Stein, Berlin*, 1851) is one of the most valuable aids to a comprehension of the history of Continental Europe, during the first quarter of this century, to which the student can be referred.

† M. Véron (*Hist. de la Prusse*, p. 179) errs in extending the terms of this edict to landed property in general (*bien-fonds*). The German term used is distinctly *Rittergüter*.

ceived that Stein was one of the most dangerous of his enemies, and speedily contrived to force upon him a resignation.* On quitting office the Minister addressed to all Prussian functionaries an eloquent circular, in which the following remarkable passage occurs: "All the representative systems hitherto tried among us have been defective. The new plan I had adopted was the following: Every active citizen, whether possessed of one acre of land or of one hundred acres, whether agriculturist or manufacturer, whether exercising an independent profession or a public charge, — every active citizen should have the right of suffrage and be represented in the councils of his king."

For the times, this plan was a remarkably liberal one. Its publication gave an immense stimulus to the demand for constitutional government, and the king, in his sore distress, seized upon this growing sentiment as an aid to raise the popular enthusiasm to a still higher pitch. In 1810 his new Minister, Hardenberg, published an edict subjecting the nobility to all state burdens, and promising to the people "an equitably established representative system as well in the provinces as for the whole kingdom." This promise was formally renewed in the royal decree of May, 1815, which explicitly fixed the 1st of the following September for the assembling of a constituent commission.

The constitution of Prussia had hitherto been a pure autocracy, unmodified even by the "state assemblies" (*Staatsvereine*) which existed in some of the other parts of Germany. The ministers, possessing no personal responsibility, were mere royal secretaries, and the entire civil service, as a natural consequence, was purely mechanical in its action, offering no proper field for intellect or ability. This civil service, ramified throughout every

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* Stein was about to leave Berlin for Breslau when the new French Minister to the Prussian Court arrived, carrying with him the following incredibly outrageous decree: —

1. Le nommé Stein, cherchant à exciter des troubles en Allemagne, est déclaré ennemi de la France et de la Confédération du Rhin.

2. Les biens que ledit Stein posséderait, soit en France soit dans les pays de la Confédération du Rhin, seront sequestrés. Ledit Stein sera saisi de sa personne partout où il pourra être atteint par nos troupes on celles de nos alliés.

NAPOLÉON.

Le 16:h Décembre, 1808.

province and constituted a model specimen of that bureaucratic system, which was one of the worst products of the growth of absolutism in the eighteenth century.* The nobility, deprived of its former political power, had become a mere privileged class, entirely distinct from the people. With singular want of judgment, all the children alike succeeded to the paternal title, so that the descendants of a prince or a baron, however remote the ramification, were all princes or barons. Hence a host of aristocratic paupers who, being forbidden to "degrade themselves" by trade, came upon the state for support. All commissions in the army belonged exclusively to them, and all the best posts in the civil service were virtually monopolized by them.† Stipends were assigned to their sons, marriage gifts to their daughters, and dowries to their widows, while those who held any portion of the paternal estate had no difficulty in obtaining loans and donations, under the pretext of "the improvement of agriculture." In order to bolster up the dignity of these aristocratic proletaires, all sorts of absurd social distinctions were conferred upon them. A commoner convicted of assaulting or abusing a nobleman was treated as a criminal, and might be punished by flogging, while in the reverse case a simple fine was incurred. Officers in criminal cases were subject to military tribunals only, and nobles found guilty of felony, etc. were "degraded" to the rank of commoners! ‡

We have seen how Stein and Hardenberg (who, for a short time only, continued Stein's policy) took the first steps to destroy this miserable system, already opposed to the spirit of the age, and to prepare Prussia for a constitutional *régime*. But the reaction of the aristocracy against their reforms was violent, and, unfortunately for the country, the king, in spite of

* There is no census of the civil service of Prussia at the date we are writing about, but in 1867 it numbered 38,067 persons.

† The Prussian code says, in so many words, "in filling up public offices the nobility have the preference."

‡ Stein — himself, be it remembered, an aristocrat — thus describes the nobility of his day: "They are uneducated, needy (*hülfsbedürftig*), presumptuous, pushing themselves into all offices, from that of marshal down to postmaster and city inspector, standing in the way of all the other burgher classes by filching these offices from them and by the pretensions they put forward, and yet sinking far below them by their poverty, their intermarriages, and their deficient culture."

his solemn liberal promises, was heart and soul on the anti-liberal side.

Frederick William III. was a man of simple tastes and good private character, well-intentioned, and, considering his position, tolerably free from prejudice. But the disasters of his reign brought all his worst points into relief and threw the better into shadow. Whenever there was question of decisive action he always let the opportune moment slip by. If the triumph of a great principle or the adoption of an important measure inconsistent with his own narrow views came under discussion, he showed a resistive power of almost inexhaustible energy. It is just possible that, amid the excitement of war, the bewildered king may have been unconscious of the true import of his promises to his people; but no such excuse can be extended to the deliberate renewal of these promises after the war was over. Nevertheless, the 1st of September, 1815, passed without any further mention of the constituent commission, and it took two years of impassioned popular remonstrance to force upon the crown even this mere preliminary measure. When the commission actually met (in 1817), its action was so slow and the results obtained so nugatory, that popular opinion turned away, disgusted. Meanwhile the establishment of representative institutions in other parts of Germany rendered Prussia's backwardness all the more irritating, and speedily generated the very disaffection which the government professed most to deprecate. Secret political societies began to form themselves, and at a general gathering of students, held at an old castle on the Wartburg, near Eisenach (October 18, 1817), to celebrate simultaneously the Reformation and the battle of Leipsic, the tricolor of the Holy Empire was displayed as the symbol of German unity, and some anti-liberal books were flung upon a bonfire in imitation, probably, of Luther's burning of the papal bull.

To the guilty conscience of the Prussian king, whose estimate, moreover, of the force of popular movements was naturally excessive, this child's play was full of terrors. Prince Hardenberg, accompanied by the Austrian Envoy to Berlin, Count Zichy, made an ostentatious visit to the Grand Duke of Weimar upon the subject of these Wartburg proceedings,

and, to make matters worse, the Czar (whose daughter had become Queen of Prussia that very year) must needs have a finger in the matter, to liberal Germany's intense indignation and disgust. At the congress of Aix-la-Chapelle — which met in the following year to terminate the occupation of France, and solidify, as the great powers fondly imagined, the edifice of the Holy Alliance — one of Alexander's representatives, M. de Stourdza, handed in a lengthy memorandum, directing the attention of the German sovereigns to the fact that the dangerous idea of German unity was fostered in their universities, and calling upon them to put it summarily down. The students of Jena (with whom the Wartburg festival had originated) were furious at M. de Stourdza's memorandum and sent the writer a collective challenge. Meanwhile it leaked out that the popular dramatist, Kotzebue, — a man who had already deserved sufficiently ill of his country by naturalizing upon her stage French immorality under the cloak of German sentimentalism, — was the agent by whom Alexander was kept regularly and secretly supplied with notes upon German internal affairs and upon the political leanings of her prominent men. The burning indignation created by this discovery seized upon a young theological student of Jena, named Sand, whose patriotic enthusiasm had already reached the highest exaltation. In this mental condition he started for Mannheim, where Kotzebue resided, introduced himself into the Russian spy's house, and stabbed him to the heart with a dagger which he afterwards turned, ineffectually, against his own breast. The fact that a deed of this kind should be exalted as an act of the purest patriotism, and its author glorified as a martyr, speaks volumes for the unnatural state of tension into which the intelligent classes of Germany had been forced. As usual, however, instead of opening their eyes to the lesson and the warning it contained, the rulers saw in all this nothing but a justification of their repressive policy and a pretext for its aggravation. A congress of the confederate princes met for consultation at Carlsbad (July, 1819) and there agreed upon a series of illiberal measures against the freedom of the press and the independence of the universities, which were afterwards incorporated, with force of law, in the Final Act (*Schluss-Acte*) of the

Frankfort Diet, — as thoroughly "obscurantist" a document as recent history has to show.*

One of the Carlsbad resolutions had instituted a "central committee of investigation," to ferret out the secret conspiracy with which Sand was supposed to have been in league, and to bring all concerned to justice. The secret conspiracy proved to be a dream, but the committee, for all that, filled the prisons with young students arrested on the most trivial pretext, — a private expression of opinion or a patriotic song, — and dismissed or suspended some of the ablest and most influential professors whom the country could boast.†

The part played by the universities in the modern history of Germany is unique. The Germany so eloquently described by Madame de Staël is almost purely an intellectual entity, because these representative institutions were then wholly indifferent to politics. But when the country woke to self-consciousness beneath the ruthless grip of France, the universities, as the true centres of national life, were all aglow with patriotic enthusiasm, and the professor's chair resounded with the burning eloquence which belongs elsewhere to the parliamentary tribune.‡ This peculiar position of the universities

* The Final Act, by establishing the federal right to interfere in cases of popular movement, destroyed altogether the independence of the smaller German states. The limitation of the freedom of the press, and the recognition of the "supreme governing chief of the state" as exempt from all popular control, were among its leading principles.

† Among others, the veteran poet Arndt, of Bonn, the metaphysician Frees of Jena, and the celebrated natural historian Oken. Görres, too, whose eloquent pen had powerfully fomented the national enthusiasm against France, was compelled to take refuge from arrest in Switzerland. His special offence was a fiery pamphlet, "Germany and the Revolution," in which the presiding powers were warned of the troubles they were preparing.

‡ In order clearly to appreciate the status of the German universities, it is necessary to know that these institutions are almost entirely self-governed, each having its own peculiar constitution and distinct revenues. Their relations with the Minister are maintained by a curator, chosen by the crown among the notables of the province, whose influence over the internal administration is little more than nominal. This administration is carried on by a rector and a senate (*Senatus Academicus*), elected annually by the General Council of titular professors. This Senate dispenses justice in all cases whose gravity exceeds the competence of the university judge (Syndic), who, however, takes rank as a counsellor of the court of appeals. The professors are selected by government out of three candidates submitted by the faculty, and these candidates are taken, as a rule, among either the extraordinary professors or the *Privat-docenten*, the latter an institution peculiar,

was so well understood, that Frederick William, in the very midst of his gravest troubles, created in 1810 the university of Berlin, specially as a fresh radiating point of the spirit of independence which it was his direct interest at that period to encourage.

But now that this spirit of independence had become irksome and objectionable, why not use the same powerful machinery to put it down, instead of building it up? This idea was too obvious not to present itself to the counsellors of Frederick William, and a most elaborate attempt was early made to carry it out. Frederick William's University of Berlin was of course the grand field for this experiment, and hither, by a skilful choice, the philosopher Hegel was summoned to fill the place of the departed Fichte. The transcendentalism of the latter — misty enough in all conscience! — had been corrected, practically at least, by the pressure of the stern realities around him, and the picture of the patriotic metaphysician descending from his chair to test, at the head of his own class, the reconciliation of the grand "subject-object" theory with hard fact on the field of Leipsic, is probably familiar to all my readers. It may fairly be presumed that, under similar circumstances, Professor Hegel might have acted similarly. As it was, however, his influence worked in the opposite direction. Metaphysical speculations became the passion of the youth of Germany, and from these speculations the material element — the unsympathetic world of trivial realities — gradually faded away altogether. In the dialectical *tours de force* which form one of the chief attractions of this branch of study, Hegel was unsurpassed, probably unsurpassable; and his popularity with the young students was proportionate. Applied to politics, his system translated itself into the suppression of history and an absolute contempt for facts. The Deity is simply the eternal Idea "in and for itself" (*an und für sich*), and of this eternal Idea the world is an emanation,

we believe, to the German university. While the ordinary professor is bound to lecture on the branch to which he is appointed, the extraordinary professor and privat-docent may choose their own subjects without restriction, and the student can (under certain technical limitations) choose his own professor. Thus the liberty both of teaching and learning (*Lehr und Lernfreiheit*) is absolute, and the science of to-day is brought into constant competition with the science of yesterday.

destined to be the theatre of its own development, the last and highest form of which is monarchy. As the phases of this development are fixed and inevitable, it follows that "whatever is real is right" (*alles Wirkliche ist vernünftig*), and hence that all tendencies to change and reform are opposed to the eternal fitness of things. In the same direction as Hegel, though from a different starting-point, worked the philologist Lachmann, who brought to bear upon the Nibelungenlied, then at the zenith of its popularity, as a pure manifestation of the old German spirit, the same analytical pedantry which Wolff had applied to Homer. The mediæval epic was satisfactorily proved to be a mere patchwork of old ballads, altogether destitute of unity of inspiration, and Herr Lachmann's followers had so much the less food for that enthusiastic Germanism which had provoked the disapproval of the Czar! The immense reputation of Alexander von Humboldt, whose lectures drew old and young, noble and commoner, native and foreigner, around him, but who was essentially cosmopolitan in his views, and even used French in preference to German, had an indirect influence of a similar kind, all helping to divert the intelligent popular mind from political questions, and to facilitate, so it was fondly imagined, the desired restoration of the ancient *régime*.

But Frederick William was not contented with setting others to work. He must needs have a shoulder to the wheel himself, and he made his special department religion. In September, 1817, on the occasion of the third jubilee of the Reformation, he published an edict calling upon the Lutheran and Reformed Churches to forget their ancient strife, and unite to found a new church, the Evangelical. In order to set a good example, he himself, although a Calvinist, visited Wittenberg for the express purpose of unveiling a memorial to Luther. The edict, although coldly received, woke at first no direct opposition; and the union was celebrated at Berlin, with due solemnity, in presence of the Court and the University, and of deputations from the various corps composing the garrison. A commission was forthwith nominated to prepare an appropriate liturgy; and in the labors of this commission the king himself took an eager part.

Labors of the kind were, indeed, quite after Frederick William's own heart. After the very uncongenial storms through which he had passed, this placid nature sighed for tranquillity and repose. The exotic verb "calmiren" was ever on his lips. All *échauffement* (another of his favorite terms) was repugnant to him; and everything which went against his pet theories of Church and State, everything contrary to his "evangelical-alliance" hobby, or to the doctrine of the divine right of kings, counted pre-eminently as *échauffement*. The patriotic members of the Cabinet, — William von Humboldt, Boien, Beyme, and Grolmann, — men who wisely held that the true policy of their country was to separate herself from Austria and Russia, and to gather around her, as a constitutional state, the sympathies of Germany, were naturally antagonistic to the *Calmirung* system, and the first pretext was seized for getting rid of them. Hardenberg, however, who, no longer dominated by the influence of Stein, had become a mere tool in the hands of Metternich and of Nesselrode, was retained, and was only saved by his administrative ability from being absolutely mischievous.*

The atmosphere of Europe soon began to cloud over again, and the counter-shock of the troubles in Greece, Italy, and Spain was felt more or less in Germany also. Discontent again declared itself. Hardenberg died (1822), and in the following year an edict was published convoking the "Provincial States," but with so many limitations as to the qualifications of electors and the range of action, that the concession was practically worthless. A recrudescence of popular ill-humor was the inevitable result; and in the midst of this political phase the French and Belgian revolutions burst like a thunderclap upon monarchical Europe. Fortunately for the Hohenzollerns, the recollection of the humiliations suffered from

* Mr. Chevalier Bunsen, who cannot certainly be suspected of radical leanings, thus describes the condition of things at the Prussian Court under Frederick William III.: "A strongly expressed opinion upon any subject concerning the public weal was ever held to savor of democratic tendencies, and it belonged to the indications of 'right principles' not to suggest disapprobation of any act or any omission on the part of Ministers." A little further on he speaks of "the stifling midnight air of those times, teeming with suspicion, redolent with hypocrisy, saturated with death." (*Memoirs*, II. 403.)

the first Napoleon was too fresh to allow the example of France to be contagious, and, although the liberal party increased in strength, no actual outbreak occurred.

Meanwhile the religious atmosphere, strange to say, was less tranquil than the political. As early as 1818 M. Ancillon, Hardenberg's literary colleague, had said, "Ce n'est pas une triple ligne de forteresses qui nous préservera de la France, ce sera le rempart d'airain du protestanisme"; and the king seemed to have adopted this saying as a principle of action, forgetting that five sixths of the new subjects adjudged to him by the Congress of Vienna were of the Roman faith. Catholics were systematically excluded from all the higher public charges, and even the military and civil administration of the purely Catholic provinces was intrusted exclusively to Protestants. Not contented with this indirect action, Frederick William promulgated in 1825 an ordonnance on mixed marriages, extending to the Rhenish provinces the provisions of the law of 1803, according to which all children must, unless under special agreement to the contrary, be brought up in the faith of their father. Government officials, at the same time, were secretly encouraged to marry Catholics, in order thus to check the increase of the followers of Rome! This was taking the bull by the horns in earnest. In the Rhineland and in Westphalia the Catholic clergy had persistently refused to consecrate mixed marriages, unless on condition that all the children should belong to Rome. By the careful diplomacy, however, of the Chevalier Bunsen, acting in Consultation with the liberal-minded Catholic Archbishop of Cologne, Count von Spiegel, a brief was elicited from Pope Pius VIII., which, while it expressed a general disapproval of mixed marriages, recognized them, nevertheless, as valid, if barred by no canonical impediment; but only authorized the "*passive* assistance" (*assistentia passiva*) of the priest, and did not specify this as obligatory. As the brief made no express mention of a guaranty for the Catholicism of the issue, it seemed to amount to something like a compromise. The Rhenish bishops accepted it in that sense, and the whole difficulty appeared to have been smoothed away, when, by ill-luck, the death of the Archbishop of Cologne gave the Prussian government the opportunity to make a hopeless

mess of the matter by presenting an ultramontane to the vacant see. It is true that, before his presentation, Baron von Droste-Vischering gave the government a distinct promise that he would execute, "in the spirit of peace in which it had been conceived," the arrangement accepted by his predecessor, "in conformity with the papal brief." But Frederick William, in spite of his own elaborate practice in the art of duplicity, was a child in that particular, beside an adept of the ultramontane school. The wily priest had no sooner been formally installed than he instructed his clergy to withhold their blessing from mixed marriages, unless the Catholicism of the entire issue were agreed to. In reply to an indignant remonstrance from the crown, he averred that he knew nothing of the arrangement which he had promised to execute, except through the official statement of its conformity with the papal brief, which statement he now found to be entirely inaccurate.* The probability of such an assertion being literally true cannot be reasonably entertained for a moment. Frederick William was furious, and, after some vain attempts to bring the Archbishop to reason, he had him summarily arrested and lodged in the fortress of Minden. This high-handed measure was a gigantic blunder, — "worse than a crime" in political matters, — and begot endless troubles. Droste-Vischering was not a popular man, and, had he been summoned before the tribunals in the regular course of law, his conviction would probably have created very little excitement. As it was, the populace raised him at once into a martyr. The demon of religious discord had been evoked; and the Roman Catholic provinces of Prussia remained during the rest of the unfortunate king's reign the theatre of fanatical disturbances, and the nursery-ground of hatreds, malice, and all uncharitableness.

Even in his own beloved scheme of an Evangelical Church poor Frederick William came to grief. When the new liturgy, in the compilation of which the king himself had taken part, came to be formally introduced, all sorts of respectable

* M. Véron's account of this transaction is considerably distorted in the anti-Protestant sense. (*Hist. de la Prusse*, pp. 298–300.) There is no doubt that the king acted, as usual, with alternate vacillation and violence, but with a real desire to do well. My authorities for the above are Gieseler's *Kirchengeschichte der neuesten Zeit*, Bonn, 1855, and Bunsen's "Memoirs."

prejudices and notions were ruffled by the change. The Reformed parishes detected in it resemblances to the mass-book; the Lutherans objected to its celebration of the Communion as too Calvinistic in its structure. Professor Scheibel, of Breslau, set the example of a flat refusal to accept it at all. He was suspended, but two thousand of his flock adhered to his views, and the example was numerously followed. In several parishes the substitutes sent by the government were violently repulsed, and thousands of "old Lutherans" emigrated, rather than surrender their time-honored ritual. Hence popular disorders, military brutality, and many acts which had more than the appearance of religious persecution.

It is a relief, before dropping the curtain over this miserable picture, to detect one bright spot upon which the wearied eye may rest with genuine satisfaction. The idea of the German Customs-Union, or Zollverein, is said to have originated with the well-known political economist, Frederic List. The initiative of its practical application was taken, however, by King Louis of Bavaria, who, shortly after ascending the throne, concluded a union of the kind with Würtemberg. In the same year Prussia followed the example with Hesse-Darmstadt, and a third union was afterwards effected between Hanover, Electoral Hesse, and Saxony. In 1828 the first meeting of the Association of German Naturalists was held in Berlin, under the presidency and at the instigation of the celebrated Oken; and at this meeting the great German bookseller, Baron von Cotta, brought forward and zealously advocated the amalgamation of these several Customs-Unions, which was finally effected in the Prussian capital (May 27, 1829), amid the jubilations of all Germany.

In 1840 Frederick William III. was succeeded by his son, Frederick William IV. Few princes have ascended the throne amid more ardent hopes. The last reign had belonged, almost from first to last, to the dismal category of "periods of reaction," and, after shedding, with true German kind-heartedness, a tear of regret over the old man's bier, the nation turned with a sigh of relief to welcome his successor.

The new monarch's intellectual cultivation was supposed to be of a high order, and he was known as a man of earnest

religious belief. Expansive and fluent, in strong contrast with his father's reserve and taciturnity, Frederick William IV. exercised, if rumor spoke truly, an influence approaching fascination on those admitted to his intimacy; and to one of these (the illustrious Humboldt) he was reported to have observed, on assuming his new dignities, that "if, as Crown Prince, he was necessarily the first noble of the land, as king he would only be the first citizen." The saying, when analyzed, shows much more froth than substance; but it was not, perhaps, on that account the less adapted for Teutonic popularity.

The bright anticipations thus inspired were destined, however, to be short-lived. In an inflated discourse pronounced at his coronation, the phrase, "I desire so to govern in every respect, that I may be recognized as the true son of a father whose memory will never die," was rightly held to be ominous by the few whose judgment was not obscured by the sentimental emotions of the occasion. The majority, however, attached to the king's vague speech an interpretation in accordance with their own hopes, and their organs openly qualified it, in jubilant "leaders," as a distinct engagement to satisfy the popular demands. This provoked at once the promulgation of an order in council, declaring without circumlocution that, in speaking of the development of representative institutions, the king had never dreamed of committing himself to the promise of a general representation of the people!

Plenty of other indications followed to prove clearly that Frederick William IV. had not the slightest intention to modify the absolute *régime* to which his father had so obstinately clung. He had soon, however, reason to discover that the circumstances around him were not what, within the narrow circle of a court hedged round from all outer influences, he had been led to believe them. A marked virtue of self-control — the power of restraining impatient aspirations, and biding their convenient time — belongs to the Teuton, in contradistinction to the irregular impulsiveness of the Celt. As long as the old king lived, a certain respect for his early trials, his strong convictions, and his gray hairs, combined with the consciousness that his reign must shortly come to a close,

had stimulated the exercise of this virtue to a remarkable degree.*

But underneath that placid exterior the development of popular opinion had gone steadily on, and this development had been mainly in the constitutional direction. One remarkable feature of it was the revival of French sympathies, consequent on the Revolution of 1830. The diffusion of liberal French ideas was stimulated by the writings of a clique of literary men who, under the collective name of the "Young Germany" party, began about this period to exercise an influence over the national thought, which was much increased by the petty persecutions of which they became the object. The proper founders of this party were the well-known writers, Heinrich Heine and Ludwig Börne. The former, of Jewish extraction, took popularity by storm with his brilliant *Reisebilder* ("Pictures of Travel"), published in 1820, a work whose matchless fascination of style secured for its covert attacks upon the existing order of things a circle of readers limited to no social class. A few years later (1831) Heine addressed to Count von Moltke a series of letters on the German aristocracy, under the title of *Kahldorf über den Adel*, so strongly democratic in tone that he found it prudent to avoid disagreeable consequences by retiring into France, where he spent the remainder of his life. Börne's most influential work was his *Briefe aus Paris* (1831), which contains a bold and merciless criticism on the political state of Germany and of Europe, tinged with decidedly republican views. It was from Börne that "Young Germany" specially received its political coloring, while its philosophic and socialistic notions were derived from Heine. The literary *forte* of the party was criticism before everything else. Under abnormal social conditions, the necessity of pulling down the old is apt to occupy all attention and absorb all energies, and when the hour for building up the new comes, it finds nothing there but crude ideas and exhausted powers.

By a coincidence, at the very period of Frederick William

* The suspension of the reform movement in England during the latter years of Lord Palmerston's leadership is a familiar illustration of this Teutonic virtue.

IV.'s succession, European complications arose which gave a powerful stimulus to the patriotic sentiments of Germany. The invasion of Syria, by Mehemet Ali, woke from its drugged and restless slumbers that spectre of "the Eastern question," whose shrouded terrors none of the quaking Pentarchy has yet ventured to unveil, and, perhaps, by unveiling to dispel. To lay the dreaded apparition, Lord Palmerston concocted the Quadruple Treaty (July 15, 1840), stipulating the expulsion from Syria of the Egyptian Pasha, without either the complicity or the privity of France.* The public indignation in the latter country was unbounded. That France, late the leading power, should be omitted, as if utterly uninfluential, from a great international act of the kind, was an insult which "nothing but blood could atone." Amid the bluster of M. Thiers, then Louis Philippe's premier, a European war seemed inevitable; and whenever a European war is in question, France's first thought is to extend her frontier to the Rhine! Hence showers of pamphlets pointing to new conquests in Germany, and hence of course fiery reply and indignant defiance from the other side. Becker's Rhine song, *Sie sollen ihn nicht haben*, putting these passionate sentiments into a lyrical form, became from that moment "the German Marseillaise." But the most important result of the excitement was that, during its brief duration, it secured for the liberal party a freedom of speech and a recognized commanding position, the prestige of which long outlived the recognition. And in this way the party polemics, which under the old king had been forced away from the arena of politics into that of religion, to religion's great detriment,† found their way back to the more healthy arena, and the "Pietists" and "Rationalists" of the old reign reappeared in secular armor as representatives respectively of the "Historical School" and of the "Philosophical School." The former, adhered to by the king, and led by Haller, Stahl, Savigny, and (to a certain

* The motive of this exclusion was France's known sympathy for the Egyptian viceroy. But Lord Palmerston would scarcely have ventured on so bold a step, if France had been under any other *régime* than that of the citizen king.

† Bunsen writes to Dr. Arnold (July, 1835): "Our state in Germany is dreadful. Our best friends, in practical Christianity as in practical politics, dress up in rotten and corrupted forms the elements of life which are still preserved to us."

extent) Schelling, openly advocated the doctrine of divine right and paternal government. The "philosophical school," on the other hand, reduced everything to pure reason, of which the material world is only a variable, unsubstantial manifestation. Above the eternal nullity of things moves the sovereign spirit, which is alone living and real, and which forms and transforms all phenomena by its sole energy. The only true policy is to fashion society in the image of this eternal type, to suppress the past, and to enter upon a new future which shall be the realization of the absolute ideal.

The historical and philosophical school, starting from opposite premises, arrived at conclusions almost equally absurd. But between these two parties there was fortunately another which represented the practical intellect of the country, and which, backed by the sympathy of Europe, firmly and earnestly demanded for Prussia the institutions which almost all the civilized nations around her already enjoyed, and for which, trusting to a royal promise, she had waited with exemplary patience so many long years.

It was in vain that Frederick William tried to smother this demand, rejecting petition after petition from the provincial assemblies, suspending liberal professors, prosecuting political pamphleteers, suppressing newspapers, tightening the censorship of the press.* The pressure from without was too strong for him, and on February 3, 1847, a royal patent was promulgated, instituting the *Vereinigte Landtag* (United Diet), and fixing the following April for its meeting. At the same time a conciliatory edict conceded equal rights to Evangelists, Calvinists, and Lutherans, and authorized them to found new religious societies, — a concession gratefully received.

The *Vereinigte Landtag* was a step in the right direction, but it was very far indeed from responding to the wishes of the nation. In his opening speech the king told them, in so many words, that the Prussian monarchy remained an absolute

* The king's most zealous aid was the new Minister of Public Instruction, Eichhorn, a fanatic, who only needed the opportunity to become another Torquemada. Among the celebrated press persecutions of the day was that of Dr. Jacobi, on account of his pamphlet entitled "Four Questions answered by an East-Prussian." This is the same Dr. Jacobi whose recent arbitrary arrest has been so much commented on in the papers.

one, and exclaimed, in his usual inflated style, that "he would never permit a written sheet of paper (*ein geschriebenes Blatt*) to intrude itself, like a second providence, between him and his people!" The powers granted to the assembly, meanwhile, were purely deliberative, and the votes held by the aristocracy more than counterbalanced those in the hands of the commons. The disappointment was general. "We asked thee for bread," cried one of the deputies, with antique bluntness, "and thou givest us a stone!"

The first session closed without producing any results, save a firm persuasion on the liberal side that no serious reforms could be expected from a king who had shown himself to be absolutely blind to the necessities of the times, and an equally firm persuasion on the part of Frederick William that it was a mistake to make any concessions where they were only used as bases for new demands.

Such was the national frame of mind when the French Revolution of 1848 burst upon startled Europe. This was at the end of February, and by the middle of March all Germany was in flames.

The influence of this revolution upon the three principal masses constituting the Confederation — the southwestern group of states, Austria, and Northern Germany (including Prussia) — was strikingly different. The southwestern states are an artificial combination of mutually repellant elements. The constant object of political intrigue, both internal and external, their normal status became one of chronic fluctuation, — the compass pointing now to Austria, now to Prussia, and anon deflecting perhaps towards France. One consequence of this, however, was a much freer and more varied political culture in these states, and a far more intense and general longing for that national unity, the want of which was of course much more keenly felt by them, in their ambiguous position, than it was by their powerful copartners. It was by them, therefore, that the counter-shock of the revolution of February was first felt, but it was felt in a much larger *German* sense than elsewhere. In Baden the popular victory at Paris was no sooner known than an immense out-of-door meeting took place, at which an Address to the Grand Duke was voted by acclamation, insisting on the

concession of "four points," — a German parliament, freedom of the press, the arming of the people, and trial by jury. Eight more demands were added to these by the liberal party in the chambers; among them the political equality of all creeds, the responsibility of ministers, and the official patronage of labor (*die Pflege der Arbeit*), all of which were immediately accepted by the Grand Duke. In Darmstadt the liberal Deputies demanded a German parliament, with the proviso that a supreme head of the German people should be chosen at the same time. On the following day a popular meeting at Stuttgart adopted the Baden "four points," and a similar meeting at Wiesbaden (4th March) followed the example on behalf of Nassau. And so on, through all the minor states, until the movement reached Rhenish Prussia, still retaining the Baden demands as the standard of uniformity.

It was to the Constitutional party in the southwestern states that this uniformity was due. They had skilfully taken the lead of the movement at its outset, and their governments had had the sagacity to call them at once to the head of affairs, and had thus secured the upper hand of the democrats. Even the Federal Diet made concessions, in the hopes of retaining the appearance at least of authority and competence.

On the 8th March the leaders of this Constitutional party held a meeting at Heidelberg, and there issued an appeal to the German people, promising them a national representation, and summoning all members of constitutional assemblies throughout the Confederation to meet at Frankfort on a given day. Many answered the summons, and the body thus constituted, known as the *Vor-Parliament* (Provisional Parliament), was the first attempt to oppose to the Federal Diet a popular central power in parliamentary form.

Meanwhile in Prussia the dread of a French attack upon the Rhenish provinces delayed for a short time the action of the liberal party, and Frederick William seized at once upon this feeling in hopes of making it a counterpoise to Gallic sympathy. The excitement, however, daily increased and incessant popular meetings speedily raised it to fever heat. On the 14th the Berlin Magistracy demanded an audience of the king and laid before him a petition embodying "the Baden points" again.

With his usual short-sighted self-reliance, Frederick William refused to promise anything, and referred the petitioners to the approaching session of the *Vereinigte Landtag*. Meanwhile the news of the revolution of Vienna and the flight of Metternich arrived, and an immense procession was at once organized to visit the palace and call upon the king in person to send all the military away from the capital and intrust himself solely to a National Guard. In the midst of the crush and shouts of "Away with the soldiers!" a couple of shots were fired, by whose hand is not known. Immediately the cry of "treason" was raised, barricades sprang up as if by magic, and for nineteen hours the streets were a regular battle-field, deluged with blood! At last, when the troops had already mastered the best strategical positions and the suppression of the revolt seemed certain, the king yielded to a deputation of citizens, ordered the troops to withdraw and the prisoners to be released, and engaged at the same time to organize a National Guard, dismiss his Ministry, and form a new Cabinet! His pliability prepared for him a memorable humiliation. Carts piled with the victims of the *émeute* were driven into the square before the palace, and four of the dead bodies were placed in a row upon his very balcony. The agitated crowd shouted his name, and when he at last appeared, pale with emotion and horror-stricken at the sight before him, he was made to salute, with bare head, the ensanguined corses, while the immense multitude around, bareheaded also, intoned the hymn, "Jesus meine Zuversicht," which was composed by his ancestress, the Great Elector's wife. The wounded of yesterday's combat were then carried into the palace and recommended to the care of the queen, and the scene closed with a general illumination!

Frederick William IV. became, in those few hours, from a determined obscurantist an advanced liberal. By his order the Count von Schwerin addressed to the armed students a speech which might have been composed by one of themselves: "His Majesty considers it his duty to inform the academic youth, who have behaved so nobly in these glorious days, of the steps which he is about to take. The king wishes to place himself at the head of constitutional Germany. He desires liberty and a constitution. He has, therefore, decided

that a German parliament shall be formed at once, and he will place himself in the van of progress. The king relies upon the protection of his people. He is about to appear in your streets decorated with the German colors. Let the academic youth gather round him. Long live the German king!" And amid the enthusiasm awoke by this address, Frederick William, in the very nick of time, rode up with a tricolor ribbon on his arm. It was "like a scene in a play"; and turned out, in fact, to be precisely that, and nothing else.

On the following day a proclamation appeared in the same sense as Count von Schwerin's speech: "Prussia from that moment transformed herself into Germany. A German parliament would be immediately convoked to deliberate on the foundation of a new Germany; united but not uniform, united with diversity, and united in liberty." The "Baden points" were then enumerated *seriatim* as the accepted reforms.

Meanwhile the Vorparliament, which had been summoned by the Congress of Heidelberg to meet at Frankfort on the 31st March, duly assembled in the Hall of the Emperors; and upon it all eyes were now fixed. The first question considered was, What states were to be considered German? and the eastern and western provinces of Prussia were unanimously voted such. A very liberal electoral law was then passed, applicable to the whole Confederation, and the future National Assembly was convoked for the following May, Frankfort being again named as the place of meeting. Some desperate attempts made by the republican party, in the interval, to wrest the leadership from the hands of the constitutionalists were defeated, not without bloodshed.

It was not till the 18th of May that the German parliament met in the Paul's Kirche, although it had been summoned for the beginning of that month. As the first regular assembly, with any pretension to a genuine national composition, it is interesting to observe that the great majority of the deputies were constitutionalists, and that all alike desired unity,* although a striking difference in the methods advocated for the accomplishment of this desire speedily declared itself. The two

* "Kein Staatenbund sondern ein Bundesstaat" (not a Confederation of States, but a Federal State) was the common watchword of all parties.

main parties which at once grouped themselves together were known as the *gross deutsch* and the *klein deutsch* parties. The programme of the former was a Germany comprising all the extra nationalities, — Slave, Hungarian, Italian, etc., — absorbing Denmark and the Danubian Principalities, and ceding the national hegemony to Austria. The empire thus formed would have a population of seventy millions. The *klein deutsch* party, on the other hand, attached themselves to Prussia as the centre of an exclusively German nation, from which Austria, a heterogeneous power, whose presence would inevitably beget discord, was altogether excluded. The representatives of Southern Germany, and all the ultra-democratic section of the assembly, were *gross deutsch*, the latter chiefly from their hostility to the constitutionalists, the majority of whom were *klein deutsch*. It was the constitutionalists, however, who, after a severe struggle, carried the day, and on March 29, 1849, the crown of the resuscitated German Empire was decreed to Frederick William by 290 votes against 248.

It was a tempting prize, and a Frederick the Great would doubtless have grasped it on the instant and held it fast against all comers. But the reigning king was very far from being a Frederick the Great; and, after some hesitation, he declined the proffered honor! Several motives probably swayed him to this resolve. In the first place, Austria, which had seemed for a brief period to be completely paralyzed, and no longer a rival to dread, was gradually recovering herself, thanks to the armed intervention of Russia, news of which reached Berlin on the very day before "il gran rifiuto" * was announced. Secondly, the revolutionary movement itself, both in France and Germany, was rapidly losing that *élan* which had at first carried it victorious over every obstacle, and no longer represented a

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* "Guardai, e vidi l' ombra di colui
Che fece per viltate il gran rifiuto."
DANTE, *Inferno*, c. iii. 59.

Bunsen (Memoirs, II. cxv.) says of this act: "He believed the cause of Germany to be lost for many generations to come. In 1848 it was not yet lost; but it *was* lost in March, 1849, by the *manner* in which the imperial crown was offered to Frederick William, and the manner in which he refused it, instead of accepting it *on his own conditions*." The philosophic diplomatist's predictions have not been verified by the event.

"power" to the cabinets of Europe. An insurrection which had broken out at Vienna (October 6, 1868) had been put down by the strong arm; and an attempt of the same kind at Berlin, a few days later, had met the same fate. Supported by the military, who burned to wipe out the ignominy of their apparent discomfiture in the "glorious days" of March, Frederick William gradually recovered from the trepidation into which he had been thrown, smiled at his own fears, resumed his early faith in divine right, and quietly inaugurated a period of reaction by placing the "antediluvian" Herr Manteuffel at the head of his Cabinet.

It must not be imagined, however, that Prussia had gained nothing by the bitter experiences of 1848. The high-sounding promises made by Frederick William, as above detailed, could not be utterly ignored. The National Assembly, which met as a constituent body on the 22d May, was, at any rate, an improvement on the old *Vereinigte Landtag*, and, if it did little else, it aided the formation of political parties, and allowed a few men of ability to make their mark for future service. Its want of practical wisdom, however, and, more than all, the defection of popular support, were fatal to it; and on the 5th of December Frederick William felt himself strong enough, after disbanding the National Guard, and proclaiming the state of siege at Berlin, to dissolve it altogether, and to promulgate on the same day a new Constitution, not as an emanation from the popular representatives, but as a grant from the crown.

This Constitution, which was formally accepted, with certain modifications, in the reactionary sense, by the first parliament elected under it, really contained, in a more or less developed state, all the elements of modern political liberty. It established an Upper House, only half of the seats in which are hereditary, while one third of the members represent merit. The Lower House is elected by universal suffrage. Every Prussian of twenty-four years of age, not receiving public alms, is an elector; but the person he contributes to elect is not himself a deputy: he is only one of the *direct* electors of the deputy.* The Ministers are responsible, and all royal ordi-

* This system, called in Europe election "by two degrees," resembles the method by which the American President is chosen. Its direct effect, under ordinary cir-

nances require a ministerial counter-signature. The legislative power resides equally in the crown and the two Houses, each of which shares with the government the right of originating as well as of amending laws. Financial questions, however, are the specialty of the Commons, and by the Lords the Annual Budget can only be either accepted or rejected *en bloc*.

In theory, as we see, this Constitution contains everything that the liberal party had sighed for; and a remarkably able political writer does not hesitate to pronounce it "more than worth the blood which had been shed and the property which had been wasted." * But a constitution which has no popular basis is simply a dead letter, — a form of words without any vital signification in them. Neither gradually built up, like the English, nor even logically evolved from a certain phase of political development, like the French *Charte*, the Prussian Constitution represents nothing but the artificial combination of a set of abstract theories elaborated in a statesman's closet. To the liberal party its royal origin rendered it utterly distasteful; and the masses looked upon the whole affair with absolute indifference. But the liberal party was already falling into the background. In the new Chamber the reactionists had a decided majority; and so complete did their supremacy shortly become, so skilfully did they profit by the middle-class terror of socialism, and the lassitude which had succeeded to the feverish excitement of 1848, that for eight long years this ardently desired representative system remained a mere name.

Like certain phenomena of crystallization, the revolutionary period of 1848 profoundly modified the internal structure of Prussia, while leaving its outward appearance almost unchanged; and the effects of the same period upon the external relations of the country were of a similar kind. When Frederick William declined the imperial crown, he did not abandon the idea of achieving the hegemony of Prussia; but he hoped to achieve it *without* the aid of the revolution, and without a rupture with Austria. The counsels of this latter power were, however, guided

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cumstances, is to diminish the popular interest in the elective act, and, as a consequence, in political matters generally. In 1867 only thirty per cent of the registered electors came to the polls.

* Mr. Grant Duff, "Studies in European Politics," Edinburgh, 1866. A very good book, vivacious and yet solid.

at the time by a man who, if not a statesman, in the proper sense of the word, possessed the decision and audacity which at critical moments are often better than statesmanship, and in which Frederick William was signally deficient. Prince Schwarzenberg easily penetrated the Prussian king's designs, and defeated them in detail. "Pour démolir la Prusse," he sagaciously remarked, "il faut l'avilir"; and this saying gives the key to his policy. Prussia's first idea was to reconstitute German unity on a monarchical basis; and with this view she concluded with Saxony and Hanover the "League of the Three Kings," the declared object of which was to watch over the internal and external security of Germany. Austria defeated this move by intervening herself and suggesting, as an alternative plan, an imperial commission (to replace the actual central power), composed of two Prussian and two Austrian members. By similar tactics she baffled Prussia's next manœuvre, which was the convocation of a new German parliament at Erfurt, a town within her own frontiers. This parliament actually assembled (20th March, 1850), and was opened by General Radowitz, one of Prussia's purest statesmen, with eloquent words of hope and fraternity. But faith was wanting. The assembly had no self-reliance, and would venture on nothing without a sign from Berlin. In little more than a month it was adjourned, never to meet again; and meanwhile Austria made her counter-move by convoking the "Plenum" of the old Diet at Frankfort, "not immediately to restore the Federal Constitution, but to take counsel and decide, *through this sole authorized organ*, as to what was further to be done." Prussia protested, but in vain. The Plenum actually met, under Austria's presidency, on the 10th of May, and the hated Diet was virtually resuscitated.*

Inspired by Radowitz, Prussia now tried a bolder game. The Elbe Duchies, — Schleswig and Holstein, — attached to the crown of Denmark, were, the latter wholly German and comprised in the Germanic Confederation, the former half German and half Danish, with an administration distinct from that of the rest of the monarchy. This somewhat anomalous state of things was sought to be terminated by the new king, Frederick

* Menzel, *Geschichte*, etc., 13tes Buch.

VII., through means of a more liberal constitution, which was to supersede the separate administrations of the Duchies, and virtually to incorporate them with the pure Danish provinces. Against this the Duchies protested at once, with a counter-demand of incorporation with the Germanic Confederation, and, backed by German intrigue, they established a provisional government, and made ready for armed resistance. But these Duchies, placed between the Elbe and the Sound, were of vast importance to the Zollverein, and their annexation to the Confederation was almost an indispensable condition to the creation of a German fleet, which was one of the favorite dreams of the unitarian party. An interest of this kind was intelligible to all, and German sympathy for the Schleswig-Holsteiners was general and intense. Here was apparently a golden opportunity for the king of Prussia to recover his popularity with the unitarians. The army was full of zeal for the same cause, and the Diet took it up as a national question. On the 4th of April Frederick William was formally invited, in the name of the Confederation, to assume the management of this Danish affair, and before the end of the month General Wrangel had entered Holstein and taken Danewirk by storm.

Meanwhile another incident had awakened Germany's warmest sympathies. Electoral Hesse had long been "the most typically misgoverned of German countries";* but in the revolutionary movements of 1848 the Elector had been compelled to accept the Baden four points and grant a constitution. Now, however, he was naturally anxious to restore things to the comfortable autocratic *status quo*, and selected the financial question — Hesse finances being in a particularly entangled state, which rendered public supervision highly objectionable — as the pretext for a rupture with his parliament, which, after an obstinate struggle, he abruptly dissolved. The next elections sent up another, which proved equally indocile; and this time, not contented with dissolving the Chambers, the irritated prince declared the country in a state of siege. The whole population, however, — administration, army, and all, — were on the opposition side, and the Elector, forced to fly, appealed to Frankfort and Vienna, and openly proclaimed his recog-

* Grant Duff, p. 265.

nition of the Austrian Plenum as the restored Diet, with original powers. Electoral Hesse, however, had adhered to the "League of the Three Kings," and had sent representatives to the Erfurt Parliament. Prussia, then, must either abandon her *klein-deutsch* project altogether and recognize the Plenum, or she must oppose by force the Diet's intervention in Hesse. Frederick William chose the latter alternative, made General Radowitz his Foreign Secretary, and massed a Prussian army corps in Westphalia. But Schwarzenberg was up to the emergency. Without a moment's hesitation he collected an opposing army on the Hessian border, and sent Prussia an ultimatum. A sanguinary conflict seemed inevitable. But Russia, then flown with insolence by her facile restoration of the tottering house of Hapsburg, intervened at the eleventh hour, and sent Prussia word that her opposition to federal execution in Electoral Hesse would be considered at St. Petersburg a *casus belli!* To the stupefaction of Europe and the humiliation of Germany, Prussia gave way, recalled her troops, and dismissed Radowitz. The Convention of Olmütz (29th November, 1850) was the result, by which Frederick William agreed "to oppose no obstacle to the action of the troops called in by the Elector, and to invite his Royal Highness to permit a Prussian battalion to remain with these troops at Cassel for the maintenance of order." Moreover, "Austria and Prussia, in concert with their allies, were to send commissioners into Holstein to require the suspension of hostilities, the withdrawal of the troops beyond the Eider, and the reduction of the army to one third of its actual force."

This Convention of Olmütz is a memorable date in recent Prussian history. "It is engraved in the national heart as a souvenir of disgraceful pusillanimity and ridiculous impotence." * With the fall of Radowitz the whole fabric of Prussian hegemony went down, and the German dream of unity seemed more illusory than ever. Austria, triumphant, took up again the *gross-deutsch* idea, — as a mere matter, however, of individual supremacy, — and demanded admission into the Confederacy, with all her heterogeneous peoples. The humil-

* *Revue des deux Mondes*, November 1, 1867 ("L'Allemagne depuis la guerre de 1866"), par E. de Laveleye.

iated Prussia was half inclined to yield, but the foreign powers backed the minor states in their resistance to this arrogant project, which consequently fell through.*

These exorbitant pretensions of Austria produced one effect which, however trivial it may have seemed at the time, was fraught with weighty consequences for Prussia and for Europe. Among the most uncompromising members of the reactionary party was a young Herr von Bismarck, known as Bismarck-Schönhausen, from the name of his family estate. After a *jeunesse orageuse*, noted for its frequent duels, the Count had chosen a public career, swayed thereto principally by an intense scorn for the liberal party and its views, by a firm conviction that Prussia's true position was not that of Germanic hegemony, but that of a co-ordinate dualism with Austria, and by a temperament to whose superabundant energies *action* was absolutely indispensable. In the *Vereinigte Landtag*, where Bismarck sat as a delegate from his Provincial Diet, he had consistently opposed every liberal measure, including one for the emancipation of the Jews, and had stood up unhesitatingly for the theory of divine rights. In the later parliament he had justified in haughty terms the king's refusal of the imperial crown, and even did not scruple to defend the Convention of Olmütz!

These views naturally secured him Court favor, and he soon received the appointment of Prussian plenipotentiary to the resuscitated Diet at Frankfort. Here it was that the true import of Austria's policy and her determined purpose to achieve the humiliation of Prussia became at last clear to him and modified his views and aims throughout. "The scales fell from my eyes," he writes to his sister; "I saw that the Austria which was before my mind did not exist in reality, and

* In a conversation with Lord Palmerston on this project, Bunsen remarked: "This is the result of your policy; you would not have a German federal state, and thus you drive us to throw ourselves into the arms of Austria, therefore into those of Russia." "Well," replied the veteran statesman, in his offhand manner, "the tendency towards a German union was laudable, *only it appeared merely good as a plaything;* could it be realized, it would be beneficial, and it would entirely suit the policy of this country. But the plan to erect such a monster of an empire is another thing. That would be a public nuisance!" Drouin de Lhuys spoke in the same sense. (Memoirs of Bunsen, II. cxv.)

that therefore it was impossible to go along with her." But the time was not yet ripe for translating these conclusions into action.

Meanwhile at home Herr Manteuffel and his party had it pretty nearly all their own way. As is usual under such circumstances, a faction speedily formed itself, carrying the principles of these men into the extreme, — more monarchical than the monarch himself, more reactionary than the reactionists. This faction became generally known as the "Kreuz-Zeitung" party, from its organ, the *Neue Preussische Zeitung* (New Prussian Gazette), which bore the Prussian Landwehr *cross* of 1813 on its title-page. As a matter of course the alliance with Russia stood high in the favor of these men. But Russian alliance really meant for Germany, in her then divided state, Russian dictation; and hence, not only to the liberal and unitarian party, but to many who, although not of their way of thinking, were proud of their country and had faith in its destinies, the very name of Russia was an opprobrium and an abomination. Relying on the diffusion of this feeling, the liberal party, under the leadership of Herr Vincke,* made a desperate effort, in 1854, to push Prussia into the *mêlée* of the Crimean war. But the effort was vain, and the result was an attitude of undignified indecision, which was prolonged to the end of the war, and which so far discredited Prussia in the eyes of Europe that she was barely admitted on sufferance to the Congress of Paris, at which the Treaty of 1856, the most important international act of recent times, was discussed and signed.†

One noteworthy incident of this Crimean episode was the popularity then acquired by the Prince Royal (the present king), who in 1848 had been an object of so much popular

* The Freiherr von Vincke distinguished himself as a young orator on the constitutional side, in the *Vereinigte Landtag* of 1847. He was strongly opposed, however, to the revolutionary party, and belongs properly to the conservative-liberals. His oratory is described as partaking of the vigorous simplicity which distinguishes Mr. Bright.

† "On a voulu traiter la Prusse à Paris comme la France fut traitée à Londres," says a contemporary "leader" in the *Journal des Débats* (April 16, 1856), referring to Lord Palmerston's Quadruple Alliance of 1841. It was only as one of the signataries of this alliance that Prussia was finally invited to Paris; not as a leading power.

hatred that he dared not show himself in the streets of Berlin! The heir to the throne was much more a soldier than a politician. The debased position of Prussia among the European powers, which was becoming daily more notorious, filled him with indignant shame, and the announcement that he had opposed the Kreuz-Zeitung policy, and declared himself strongly against the alliance with Russia, made him at once a popular idol.*

The reaction in his favor came most opportunely. Frederick William IV. had suffered greatly from the humiliating failures of his entire policy, and from the constant irritating antagonism between his own deep-rooted convictions and the realities around him.† A softening of the brain finally set in, and on the 23d October, 1857, a royal letter handed over the provisional administration of the kingdom to the Prince Royal, who became regent in the following year, and in 1860 assumed the crown under the title of William I.

One of the new ruler's first steps was to dismiss the incompetent Manteuffel Ministry, and form a Cabinet in which the constitutional element predominated. A manifesto, announcing reforms in communal legislation and repudiating the injudicious confusion of religion and politics, which had characterized

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* It is said that the Prince never forgot or forgave a remark addressed by the Czar, either with intense arrogance or with astounding want of tact, to the officers of the Royal Guard at Berlin, to the effect that they were "*his advanced posts!*"

† The great Heresiarch Strauss, in a book published in 1862, on the "Wolfenbüttel Fragments," gives the following sketch of Frederick William: —

"A Berlin philosopher has recently called Frederick William IV. an historic genius. May the Genius of History forgive him such a slander. He is right, however, in so far as this prince was precisely an embodiment of what the nineteenth century is, in its negation of the eighteenth. An excess of intellect, but a deficient intelligence of mankind; too much sensibility, but too little character; more magnanimity than rectitude; piety without earnestness of views; a distinguished historical dilettanteism (*Liebhaberei*) without sound historic impulse, without the will or the power to take out of the picture-book of the past a manly step forward into the future (*vom den Blättern in dem Bilderbuche der Vergangenheit hinweg einen männlichen Schritt in die Zukunft hineinzuthun*). And is it possible to call that an historical intellect which would gladly strike out from the book of history the most recent past? which pretends to understand and love the Middle Ages, but ignores the age of Frederick and of Joseph, of Germany's criticism of the reason (*Vernunftkritik*), and of France's Revolution, nay, which finds no special interest even in a Luther or a Calvin, except on their reverse mediæval side (*nur von ihrer rückwärts dem Mittelalter zugekehrten Seite*)."

the late reign, increased the general satisfaction; and the new elections showed an entire change of the balance of parties, the feudalists being thrown into an impotent minority of sixty-two, while the ministerial liberals counted two hundred and thirty-six.

Two different methods for the achievement of unity divided the German party at the time. "*Durch Freiheit zur Einheit*" (through freedom to unity) was the watchword of one section; "*Durch Einheit zur Freiheit*" (through unity to freedom) was that of the other. Between the two there was all the difference which separates moral action from physical action; but both maxims were alike addressed to Prussia. "Set the example of political liberty," said one party, "and all the other states will at once group themselves around you." "No," rejoined the other side; "first conquer the opposition of the hostile sovereigns, and then liberty will be easy to achieve."

We have already said that William I. is rather a soldier than a politician. It may, therefore, be easily divined that the latter of these unitarian watchwords was the more congenial to his views. An intense conviction possessed him, meanwhile, that Prussia's military system was not equal to the requirements of her position, and this conviction became at once the central idea of his home policy. As regent, he had already pressed upon parliament a reorganization of the army, and almost his first act on assuming the crown (at his brother's death in 1861) was to anticipate, by six months, the annual levy. In an address to his assembled generals, he used words full of warlike omen, and the speech with which he opened his first royal parliament had a similar import. "Prussia," he said, "has sufficient resources at her disposal to maintain her army on a respectable footing. In presence of the actual situation of Germany and of Europe, the representatives of the country will not seek to evade the duty of preserving that which has been already created, and of favoring its development; they will not refuse their support to measures upon which the security of Germany and of Prussia reposes." The fact that the political horizon was at that moment pretty well restored to its normal serenity gave a significance to these words which could not escape the most

hasty reflection. But the Lower Chamber, representing in its majority the moral-force unitarians, coldly replied that it hoped to see the new army measures restrained within legal limits, and "the financial resources suffice to cover the excess of expenditure proposed, without any aggravation of the actual burdens of the country." At the same time the address respectfully urged that an improved military organization was not *all* that was required to meet the legitimate desires of the people.

One great objection to the increase of the army arose from the fact that, in spite of Stein's reform, the great majority of the officers were still taken from the minor nobility, who, as a rule, attach themselves to the feudal party, and the influence of the military in Prussia is great enough to render such an increase a matter of political importance. This, added to its antagonism to the moral-force view, speedily rendered the army organization question a leading one, and an essential modification of parties was the natural consequence. The difficulty was to reconcile opposition to the king's cherished idea with the prevailing conviction that a powerful Prussian army was indispensable to true German interests; and this difficulty was got over by merging the military question in the general and invariably popular demand for financial economy. It was at the expense of the ministerial liberals that this new party was formed. The well-chosen title it took was "the party of progress" (*Fortschritts Partei*), and its programme — such programmes are always useful indices of a country's political needs — included reform of the Upper House, more complete ministerial responsibility, *an easier method of bringing guilty officials to justice*, the abolition of all religious disqualification, an improved system of national education,* the abolition of the privileges still possessed by the land-owners,† economy in the

* The reactionists were accused of having deliberately lowered the standard of public education in their own special interest.

† The police administration in the majority of country communes is in the hands of the owners of *Rittergüter*, who can either, on duly qualifying, perform the functions of police supervision themselves, or can present to the office. In the Provincial Councils the holders of these estates can usually determine the decision, and in the Departmental Councils their influence is still greater. A certain number of them (fifty-six) have also hereditary seats in the Upper House.

management of the army, and the adoption of a firm line of policy, with a view to place Prussia at the head of a united Germany. The election of 1862 returned to parliament one hundred representatives of the *Fortschritts Partei*, by the side of one hundred and fifty-six Ministerialists. Herr Waldeck, called "the Peasants' King," from his advocacy of the cause of the Westphalian peasants, and Herr Schultze (commonly called, from his birthplace, Schultze-Delitszch), otherwise known as the apostle of co-operative association,* and as a poet of considerable merit, were the most conspicuous men of the former section; while Herr Simson, one of Prussia's ablest orators, led the latter.† Under this new party arrangement the military question grew daily more and more imbittered, and finally culminated in an adverse vote, in the face of which the Prime Minister resigned, and the Cabinet broke up.

It was thus that room was made for Bismarck, who was now recalled from the embassy at Paris and charged with the formation of a new Ministry.

We have already noticed Herr Bismarck's conversion from an admirer of Austria into her implacable opponent. The idea now ever present to his firm practical intelligence was the hostility of the existing federal institutions to the interests of his country, and with him strong conviction always implied vigorous action. For the moral-force party Bismarck had the most supreme contempt. He found this party, however, in the majority, and did all which his imperious and impatient temperament was capable of doing to conciliate it. German unity was, in reality, the common ground upon which the Minister and the opposition could have come to a mutual understanding. But to proclaim this aloud as the policy of the crown would have been the very way to provoke complications with Austria and the middle states, which would have rendered the achievement of this unity impossible, as of old. Neither was the king himself yet ready to embrace a line of conduct which could not but involve a whole political revolution. Thus this apparently ready

* M. Schultze-Delitszch's co-operative associations are now widely ramified throughout Germany, and have powerfully contributed to the diffusion of sound economical notions among the working class.

† Grant Duff, Studies, etc., p. 230.

opening to concerted action was, for the moment, hermetically sealed for the chafing premier, and, in default of it, the progressive party unanimously rejected his amicable overtures. Foiled in this effort, he threw off at once the ill-fitting liberal mask, and resolved to march on alone to the realization of his great schemes. "Germany does not look for Prussia's liberalism, but for her power," he remarked with sententious disdain, at a session of the Committee of Ways and Means. "Bavaria, Würtemburg, and Baden may indulge in liberalism, but nobody expects that they will play Prussia's part. Prussia's frontiers are not favorable for a healthy commonwealth. The great questions of our time are to be decided, *not by speeches and resolutions, but by blood and iron.*"

The Prussian Constitution, as we have already said, embodies all the leading principles of representative government, but still wants the fitting machinery and the complementary organic laws required for the practical application of these principles. The right of voting supplies and imposing new taxes is conceded to the legislature in due form; but a separate article (Art. 109) enacts that if the budget be not voted in time, the government can continue to levy the taxes voted in the preceding session. Seizing at once upon this provision, Bismarck secured the rejection by the Upper House of the reduced budget sent up by the Lower, and then quietly declared that this case came under Article 109, and that the crown would consequently continue to levy the existing taxes; which was really tantamount to erasing from the Constitution the great principle of a legislative control of the public purse-strings altogether.*

It is needless to describe the strife thence arising, the fury of the liberals, and the Minister's attitude of contemptuous defiance. "Where the compromises indicated by the Constitution," the latter haughtily observed in his remarkable speech of the 27th January, 1863, "fail to be effected, a conflict neces-

* Article 109 seems explicit enough to settle the question definitively in favor of the government. But while this article clearly gives to the crown the control of the *receipts*, another article (Art. 99) deprives it of the control of the *expenditure*. It was on this absurd contradiction that the conflict between Bismarck and the Chamber turned, the former insisting that Article 109 necessarily overruled Article 99 as irreconcilable with it, the latter of course inverting this line of argument.

sarily arises, and as the life of the state cannot be suspended, such conflicts become questions of force. Of course, the side that possesses the force proceeds in its own direction."

In strict conformity with this view, the reorganization of the army was proceeded with, "behind the back of parliament," so to speak, in utter disregard of protests, menaces, and upbraidings. The thirty-two *landwehr* regiments were kept constantly under arms, their ranks were gradually filled up by new levies, and they were finally amalgamated with the line, the strength of which was thus raised from forty regiments to seventy-two. A proportional increase was made in the artillery, which was now armed with Krupp's rifled cannon, while the needle-gun, destined to make a complete revolution in modern warfare, was gradually distributed among the infantry. Target practice with these new arms was unremittingly kept up, and an improved drill, closely reproducing the manœuvres of campaigning, was assiduously studied, the professional education of the officers being, at the same time, raised to the highest modern level.

Thus was created an army which shortly proved itself to be the most efficient in Europe, and thus was secured the first of the main conditions for carrying out Bismarck's great scheme, the checkmate of Austria! Two other conditions remained to be fulfilled, the acquisition of a safe ally, and the assured complicity, or at least tolerance, of the great powers. It was to the default of these three elements of success that the failure of Radowitz, in 1850, was due. Of this Bismarck had a vivid conviction, which controlled all his policy. The required ally he found ready to his hand in Italy, whose legitimate avidity for Venice rendered her Austria's natural foe. It was a more difficult task to secure the tolerance of the great powers. But France, by the campaign of Lombardy, had already committed herself to the principle of nationality, and could not consistently oppose across the Rhine the "idea" which she had proclaimed as sacred across the Alps. Moreover, in his brief diplomatic relations with the Emperor in 1862, as well as in his later visits to Biarritz (1864–65), it was whispered that Bismarck had already, with consummate craftiness, won his entertainer's tolerance for eventualities, whose chances presented themselves to

the august mind as rather in favor of French interests than opposed to them.* As for Russia, her amicable relations with the house of Hohenzollern were already of old date and of the closest nature. During the Crimean war Prussia alone, of all the great powers, had not assumed a menacing attitude towards St. Petersburg, and quite recently (in 1863) Bismarck himself had braved the indignation of Europe and of Germany by signing a secret convention with Prince Gortschakoff, *apropos* of an insurrection which had just broken out in Warsaw, authorizing Russian troops to cross the frontiers and even to pursue insurgents into the territory of Prussia! †

A good opportunity to pick a quarrel with Austria was now all that Bismarck desired, and this opportunity was shortly prepared for him.

The Prussian intervention in the Elbe Duchies, and its ignominious catastrophe, have been already referred to. In November, 1863, the king of Denmark died, and his successor, Christian IX., immediately published a "fundamental law," incorporating the Duchy of Schleswig with the kingdom, which law had passed the "Rigsrad" and received the signature of Frederick VII. only a few days before his death. This incident threw Germany into a violent state of commotion, and public opinion clamored for a "federal execution" against Denmark. Bismarck at first opposed this movement, but, after carefully estimating its force, he counselled yielding to it, with the precaution, however, of a preliminary understanding with Austria, who was only too anxious to prevent Prussia from making political capital out of the popular excitement.

The occupation of the Duchies was, therefore, a joint occupation, and the two rivals found themselves standing side by side, armed *cap-à-pie*, their sword-points turned towards a common foe, but their glances constantly reverting mistrustfully to each other. After some easy victories, — too easy to allow the real importance of Prussia's military reforms to command the attention they deserved, — the two powers agreed between themselves to ignore all their own previous declarations and profes-

* It was probably in the later visit that Napoleon was really won to neutrality.

† This disgraceful convention was never practically carried out, thanks to the indignant remonstrances of the English Foreign Minister, Lord Russell.

sions,* and to declare themselves the joint successors, by right of conquest, to King Christian's claims upon the Elbe Duchies, the provisional administration of which they proceeded to divide between them, Prussia taking Schleswig, Austria Holstein. (Convention of Gastein, 14th August, 1865.)

The arrangement was strongly reprobated by impartial European opinion. "We regret to find in this combination," writes M. Drouyn de Lhuys, in a diplomatic circular on the occasion, "no other basis but force, no other justification but the convenience of the partitioners. This is a practice to which Europe has been long unaccustomed, and precedents for which must be sought in the most unfortunate epochs of her history. Violence and conquest pervert the notions of right and the conscience of the peoples."

In truth, everything looked black for Prussia, both at home and abroad. At the beginning of 1866 the parliamentary conflict raged more fiercely than ever. The question was still the same, — the legislative control of supplies; the upshot was, as usual, a dissolution, always welcome to the premier, but espe-

* The inconsistencies of the Prussian government in this transaction have been strikingly thrown together by Struve in his *Weltgeschichte* (*Zweiter Nachtrag*, Coburg, 1867): —

"On the 12th December, 1863, M. Bismarck stated in the Chamber, 'Christian IX. is the sole legitimate sovereign of the Duchies.' When the wind changed a little, he expressed himself, in his despatch of the 15th May, 1864, as follows: 'Christian IX. has never possessed any rights over the Duchies.' Fourteen days later the Prussian plenipotentiaries at the London Conference declared, 'The hereditary Prince of Augustenburg is the prince who unites in his own person the most numerous titles to the succession of the Duchies.' In a circular of July, 1864, it is affirmed, 'The Grand Duke of Oldenburg probably possesses higher claims.' In the notes addressed to Austria at the end of the same year the remark occurs, 'King Christian IX. possesses, if not sovereign rights, at least the right of possession.' In a despatch, however, of the 13th December, 1864, Prussia first ventured modestly to observe, 'Perhaps Prussia herself possesses rights to the Duchies, based upon the title of the sixteenth century.' In the throne-speech of January, 1865, the Prussian government went a step further. The world now learnt that 'everything will remain undecided in the Duchies until the crown lawyers have given their opinion. Until then the government will not declare itself.' Three months later, at the session of the Diet of April 6, 1865, it declared itself nevertheless as follows: 'Prussia has sovereign rights over the Duchies.' In the following month the Prussian government again further stated, in the memorandum on the expenses, of the war laid before the Chambers, 'Christian IX. was, before the peace of Vienna, the sole legitimate sovereign of the Duchies. Prussia and Austria have to-day acquired his collective rights.'"

cially at this juncture, because it left him free to follow out his own maturing policy. This policy was simply to realize by force — by "blood and iron" — the revolutionary programme which the *klein-deutsch* party of 1848 had hoped to accomplish by mere popular pressure, — to expel Austria from the Confederation, to suppress the Diet and all the cumbersome machinery connected with it, and to place Prussia at the head of a united Germany. Recent history supplies no parallel instance of a policy so audaciously conceived and so daringly executed.

Bismarck's first move was a despatch to the Prussian Minister at Vienna on the subject of a popular meeting recently held at Altona, in Holstein, to demand the convocation of the Provincial Estates. Holstein was then administered by Austria, whose complicity might therefore fairly be assumed, and Bismarck chose to consider the incident as involving a direct affront to his sovereign. "How painfully must our gracious master," he wrote, "be impressed, when he sees revolutionary tendencies menacing destruction to every throne, protected by the two-headed eagle of Austria!" A categorical statement of the future intentions of the Court of Vienna was peremptorily demanded, and "a negative or evasive answer," it was added, "would be held to prove incontestably that the Imperial government does not propose to follow the same path with ourselves." To this irritating missive Count Mensdorff returned a temperate answer, but of course declined the categorical statement required. Bismarck characterized this as a "negative" reply, and declared that he would refrain in future from any communication whatsoever with Austria relative to the Duchies.

Now began a series of covert menaces and provocations calculated to force upon Austria a defensive attitude, and speedily successful in their aim. On the 24th March Bismarck addressed to the Prussian diplomatic agents in Germany his celebrated circular of that date. After recapitulating the differences about the Duchies, and affirming that if any conflict thence arose no responsibility would rest with Prussia (!), he declared that the only guaranty for security to which the latter power could now look was "a profoundly reformed Germany."

In order to recover her proper European status, *Germany must give herself a new constitution, conformable to the identification of her interests with those of Prussia.* Prussia, therefore, is compelled to raise the question of Federal Reform!

The minor states, however, Austrian in their sympathies, objected to this move, and Bismarck then proposed to the Diet the convocation of an assembly, elected by direct and universal suffrage, with the duty of considering such propositions of federal reform as might be made by the German governments generally. This proposal was referred by the Diet to a select committee of nine. But meanwhile the plot was thickening daily. The Prusso-Italian Alliance of April the 8th became known, and the Transalpine kingdom was already openly playing with her sword-hilt. It was high time for Austria to push her armaments and her counter-alliances, the most trusted of which was with Saxony. She made one more effort, however, at an accommodation, offering to leave Kiel, Rendsbourg, and Sonderbourg to Prussia, and to dispose of the Duchies in favor of "a third party." This was rejected by Bismarck, who then turned to Saxony and demanded an explanation of her arming. By way of a retort Saxony presented to the Diet a motion that "Prussia be invited to reassure the Confederation, in conformity with Art. 11 of the federal compact," which article provides that no one Confederate State shall declare war against another, without having first referred the cause of quarrel to the Diet. The vote on this motion was fixed for the 9th of May, and in the mean time Prussia mobilized her army. On the appointed day the Saxon motion was carried by ten against five, — equivalent to a vote of want of confidence against Prussia. Upon this Bavaria also mobilized her army. The other secondary states followed her example, and the whole of Germany was soon under arms.

In Prussia, meanwhile, the general feeling was strongly opposed to Bismarck's action, and from all sides protests against "this fratricidal war" and denunciations of its instigator, whose life was even attempted by a fanatic, poured in. Bismarck surveyed the gathering storm with unshaken indifference. The repugnance of the king was gradually overcome by skilfully transferring to Austria the whole responsibility for the

rupture, and insisting upon "the providential mission of the house of Hohenzollern," a topic always grateful to the profoundly religious, simple-minded soldier, who is not without a touch of the family sentimentalism. Once having achieved this conversion, the rest was easy.

On the 10th June Bismarck addressed to the German states an exposition of the principles on which his proposed reform would rest. These were, the exclusion of Austria, the convocation of a parliament, the formation of a federal power invested with the direction of economical matters, with the diplomatic representation and with the right of peace and war, and the establishment of a common army, the northern section of which could be commanded by the king of Prussia, the southern by the king of Bavaria.

Meanwhile General Manteuffel advanced into Holstein, then, it must be remembered, administered by Austria, closed the Assembly of States in session at Itzehöe, and sent all the functionaries of the Duke of Augustenburg ("the third party," into whose hands Austria had proposed to cede the Duchies) home. The Austrian envoy denounced these proceedings to the Diet, and submitted to it a motion for the immediate mobilization of all the federal *corps d'armée* not belonging to her rival. This motion was adopted on 14th June, and on the same day the Prussian envoy declared that his government considered the federal compact now broken, and would act accordingly.

The vigorous promptitude of Bismarck's measures — a main element of his success — now becomes strikingly manifest. On the very day following the above declaration he notified Hanover, Saxony, and Hesse that they must either rescind their votes of the day before, adhere to the Prussian proposal of reform, and replace their armies on a peace footing, or incur "military execution." Twelve hours only were given them to decide; and on the following day they were simultaneously invaded.

On the 18th William I. issued a manifesto proclaiming "the country in danger." At once the whole tide of popular feeling turned in the patriotic direction. With the first success every trace of irritation vanished, and from the most unpopular public man of his day Bismarck became at

once the most popular. Instead of a long, painful campaign of doubtful issue, the war was ended in a few weeks, with Austria beaten, and Prussia raised to the first rank among European powers. In the following elections for the Lower Chamber the conservative party obtained a large majority; and the king's opening speech, in which a bill of indemnity was requested, according to the most approved constitutional precedents, created intense satisfaction throughout the country. The bill was passed by two hundred and thirty votes to seventy-five, all the "left centre" and a portion of the Progressist party voting with the majority; and the ancient opposition broke up at once, the "National Liberal party" forming itself chiefly out of its fragments.*

The Peace of Prague was signed on the 23d August, 1866, with the following conditions: Austria leaves the Germanic body, accepts the dissolution of the Confederation, recognizes the closer federal union which may be founded by the king of Prussia north of the line of the Main, and declares her consent "to the formation, by the states south of that line, of a Union with an independent international existence, the relations of which with the Northern Confederation would form the subject of an ulterior agreement between the parties." She also transfers to Prussia all the rights over the Elbe Duchies, ceded to her by the Treaty of Vienna of October, 1864, with the reservation that the people of the northern districts of Schleswig shall be reunited to Denmark, if they express such a desire.

Bismarck, with characteristic energy, left no interval between the conclusion of peace and the realization of its advantages. On the 4th August Prussia addressed to the smaller northern states a circular treaty, identical in substance with that which

* The present distribution of parties in Prussia (and the Northern Confederation) is into Progressists, Conservatives, and National Liberals. The Progressists, who formerly absorbed almost the entire Chamber, are now the least numerous, because the situation from which they took their origin no longer exists. Their opposition is mainly founded on a personal mistrust of Bismarck's constitutionalism. The Conservatives maintain that too great concessions have been already made to the popular side; but the fact that their natural leaders — the king and Bismarck — are themselves the authors of these concessions places them in a false position. The National Liberals desire both unity and liberty, and accept the Constitution, not as the best, but as a preparation for a better. This party frankly supports government, and is on the increase. (Laveleye.)

Hanover, Saxony, and Hesse-Cassel had rejected on the 16th of June, 1866, as already mentioned. By this instrument an offensive and defensive alliance was concluded for the reciprocal maintenance of the territorial integrity, and for the internal and external security of the contracting parties. The reform principles put forward in the memorandum of the 10th June, 1866 (see above), were to constitute the bases of this alliance, and the treaty — which formed the fundamental law of the Northern Confederation — was signed by the several interested parties on the 18th of August.

Upon the southern states, already bound to her in their material interests by the Zollverein, Prussia also imposed treaties of offensive and defensive alliance which secured to her, in case of war, the supreme command of all their armies. These treaties were for the moment kept strictly secret. The dramatic incidents of their subsequent publication have been already related in our article on "France and the Second Empire."

The immediate general results of the victory of Sadowa for Prussia were briefly as follows: the entire hegemony of the North of Germany, the military direction of the South actually secured, and the future economic direction prepared; Austria excluded from the Germanic body, and so profoundly exhausted by her defeat that all dread of her hampering the completion of the Prussian projects was done away with; thirteen hundred square miles and four and a half million souls added to the monarchy (Hanover, the Elbe Duchies, Hesse-Cassel, Nassau, Frankfort, etc.), sixty-one million dollars of indemnity received, military posts acquired (Kiel and Flensborg), maritime development facilitated, a territory rendered, from incoherent and disconnected, continuous and compact; and, finally, a prestige which secures her in the councils of Europe immense weight.*

But Prussia does not simply represent a monarchy with some twenty-four million inhabitants; she represents a Confederation with thirty millions, and, for military purposes, she can add to this figure ten millions more. This virtual realization of "the dream of German unity" is tantamount, politically speaking, to a complete change in the European centre of gravity, and as

* *Annuaire des deux Mondes*, 1866 – 67.

such it could not fail to rouse the jealousy and ill-will of the power which had hitherto boasted itself the arbiter of the Eastern hemisphere. The motives of France's defiance of Germany to a death-struggle are too notorious, and the events of that terrible conflict stand too vividly before us, to call for narration here, and we shall therefore devote the few remaining paragraphs of this paper to some brief observations on the general results of the historical events of which it has endeavored to present an outline.

The most conspicuous characteristic of Prussia's history, since the death of Frederick the Great, seems to us to be that she has attained, almost, as it were, *blindly*, to her present position; has been forced into it partly by two or three of her own statesmen, acting with more or less consciousness of the direction in which they were impelling her, but mainly by pressure from without, by the agency of forces which she herself constantly repudiated and ignored. The influence of her rulers upon the development of her destinies has been uniformly prejudicial.* All the Hohenzollerns, with the exception of the present king, — who has been sometimes the instrument and sometimes the accomplice, but never the director of his Minister, — have been absolutely hostile to Prussia's unitarian instincts, and have been so almost inevitably from an obstinate attachment to the effete doctrine of divine right, which rendered their sympathy with the great unitarian party utterly impossible. The success of Count Bismarck in his policy has something about it, at first sight, of the magical. But when closely analyzed it amounts to nothing but the utilization of forces in whose creation he himself had absolutely no part, but which had been scattered and lost until, with matchless skill, he gathered them together and gave them unity of direction.

Is it visionary to see in these remarkable incidents, all gradually combining towards one vaguely perceived but most momentous end, the traces of a higher controlling power? The stream of history displays, when comprehensively viewed, uniformity of direction and persistency both of development

* This must be understood to apply to political interests only. As far as the material interests of the country are concerned, the Hohenzollerns have generally shown an enlightenment decidedly above the average.

and, we believe, of purification. But if we look closer, this uniformity shows, at intervals, breaks of turbid confusion, where the set of the current seems to change and all movement to become retrograde. As we gaze, however, some new element appears to mingle with the troubled flood. The suspended impurities disappear, the eddies smooth down, and the waters resume their natural flow.

The present age has many of the characteristics of a break in the stream of progress. Europe's political life is disturbed by the eddies of democratic and socialistic under-currents, and her moral life is troubled and obscured by the gradual elimination of faith from its constituents. The reconciliation of religion and science is the grand task of our day, and upon its failure or success all our religious future depends. Now there cannot be a doubt that the predominance of the Celtic intellect, with its marked tendencies to frivolity and sarcasm, is directly hostile to all earnest effort in such a direction.* The Teutonic intellect, on the contrary, serious, profound, truth-loving, and reverential, is eminently fitted for the task. The common assertion that German rationalism is worse than French infidelity is a most superficial one. To an under-educated priesthood the former will doubtless prove far the more formidable antagonist. But between the two there lies the vast difference which separates an earnest endeavor to attain to truth from a flippant pleasure in sneering at everything sacred.

The political supremacy of Germany over France will inevitably carry with it the intellectual supremacy also, for which, in the spreading study of German literature, a remarkable preparation has been long going on; and by that intellectual supremacy we do not doubt that civilization will, on the whole, largely profit.

From an international point of view, the unification of Germany would seem to be, in like manner, beneficial. The immense mass of the inferior Russian element is constantly bearing with increased pressure upon the rest of Europe, and

* We would not be supposed to impugn the great obligations of intellectual civilization to France, — the refinement of taste, the polish of wit, and, above all, the precision of ideas, which are essentially due to her influence.

to this pressure united Germany will oppose a resistance which could not else have been provided.

The home results of this unity will obviously be favorable to the cause of progress. Achieved by a simultaneous, earnest national effort, perfectly self-conscious, and with nothing about it of the spasmodic character which belonged to the rising of 1813, it places political power firmly in the hands of the people, not, in all probability, leading at once to a republic, or rather a confederation of republics, but bringing the whole country nearer to that consummation, for which the persistent duplicity of its rulers and the deterioration of the nobility have been long preparing it.

Into the remoter and dimmer eventualities with which this unification is doubtless pregnant, — the stimulus thereby given to the principle of nationality, the probable disappearance of Austria from the map of Europe, and the final exorcisement of the spectral "Eastern question," — we forbear to enter. The realities as they stand are colossal enough to fill the average mind. We leave it to others to play Œdipus to their enigmatical future;

Τὸ σήμερον μέλει μοι·
Τὸ δ' αὔριον τὶς οἶδεν;

H. W. Hemans.

Note by the Editor. — The article upon "France and the Second Empire" in the October number of this Review was by inadvertence signed with the name of Henry W. Homans. The editor wishes to call attention to the fact that the author of that article was Mr. H. W. Hemans, who contributes the foregoing essay upon "Prussia and Germany."

Art. VI. — Modern Architecture.

There has been a lull in the angry debates about modern architecture, which for thirty years had kept people busy and interested. This pause may be the result of better knowledge and wider sympathies; but it has in it something very like despair. The discussions of twenty years ago, and since that time, have been narrow-minded enough; but they were possible only to hopeful men intent upon a great result, supposed to be within easy reach. There is too much reason to fear that the eagerness has vanished only with the hope. The partisans of the different styles had their infallible schemes for creating the architecture of the future; schemes wild enough, and theories unfounded enough, as experience seems to show, and as recent criticism has proved to every one's satisfaction. But the immense advance that has been made in the knowledge of the fine and industrial arts of the past has brought to the present generation a sense of its own shortcomings, which has made it well-nigh hopeless of any good result from its own efforts to apply fine art to building. A well-known instance is the attempted Gothic revival, which began in the general belief that the desired "new style" of architecture was to be sought by adopting some old style, and a mediæval one, as most available, and working in it until the new should develop itself. Unfortunately, in England and in Germany, where the controversy was most warm between the advocates of the Gothic revival and the classic status, the question of purity of style was allowed to assume so much importance in the Gothic camp, that architectural design became more and more a matter of archæological knowledge and faithful copying. In this instance, then, we find that the earlier buildings of the Gothic revival were wretched Gothic and poor architecture, but that their authors believed in them, and saw their way in imagination to a new Gothic, as real, as universal, and as splendid as the old. Nowadays, while better buildings are built by the English church-builders at least, and although workmen have grown more skilful, and some "lost arts" of mediæval decoration have been rediscovered, it is found that the hope of a modern Gothic archi-

tecture, fit for every occasion, universally inspiring and universally recognized, has almost wholly passed away. In the same manner all other attempts have failed, the rediscoverers of the one great lost art of architecture are silent, and although everybody is profoundly dissatisfied, no new experiment is being tried and no new theory proclaimed.

If, then, no change for the better is seen to be at hand, is it safe to conclude that such a change is as far away as ever? Is the present to be accepted as the only possible state of things, at least during the present generation? There are many reasons for thinking so, at least. The consideration of some of these reasons is the business of this essay. The main inquiry will be confined to this country, in which, while there are no monuments of the past for example and for encouragement, there are, or should be, an independence of routine, and a willingness to disregard precedent, which have been too rare among the modern architects of Europe, — virtues that might prove saving ones, if we had knowledge and judgment enough to use them.

In this paper the word "architecture" will not be used very often, because it is of very uncertain and indefinable meaning. Thus, the definition of it that might be deduced from the writings of Viollet-le-Duc would be, "intelligent building." That is to say, a noble architecture will be one in which all the needs of life — shelter, defence, public worship, state — are provided for in the most complete way, by means of edifices of the most economical, permanent, useful, and dignified character, decorated, if at all, by the appliances and in the style best adapted to help the impressiveness of the structure. Such a definition might seem sufficient but that other definitions have an equal claim. What word have we for modern falsehoods and absurdities, if we give to the word "architecture" a strictly favorable meaning? Moreover, it is common to speak of naval or marine architecture, and of military architecture, and with reasonable propriety, considering the derivation of the word; but beauty of design is ignored in those arts, and if a glacis or the bow of a boat is beautiful, it is not intentionally made so. The fact that they are beautiful may help our inquiry, but the arts that produce them are not less purely mechanical because of that beauty.

The word "architecture" is to be avoided, then, because too vague, and to be used only in a general sense, in which sense it is accurate. And in like manner the word "architect" will be used to mean, not a designer of beautiful form or color, nor an artist in any sense of the word, but one of that body of business men who charge themselves with the planning and erection of buildings and the expenditure of large sums of money, and who, as fiduciary agents, are paid by a percentage commission upon the amount expended by them. For the purpose of our inquiry, an architect is a nineteenth-century business-man, as much so as a stockbroker, and other terms will be used when there is question of skilful constructors or of decorative artists; for, though the best builders, except of bridges and tunnels, and the only able designers of ornament, are to be found among the architects, in the same body and in good standing are very many men who are merely respectable professional advisers, overseeing the erection of buildings of well-known types, according to a well-understood business routine.

There is one thing peculiarly noticeable in the American cities, namely, the use of iron in building for fronts, as well as for floors and roofs. Such cast-iron exteriors as those of many great warehouses in New York, and other buildings than warehouses in the same city, and in Boston, the Public Ledger building in Philadelphia, and hundreds more, not in the great cities only, but in busy places all over the land, are almost unknown in Europe. Not long ago, a London journal of building, in commenting upon these cast-iron exteriors in our cities, remarked that they seemed to contain no new principles of design; that they were designs for stone buildings carried out in iron. This statement, which, however, is a mere reminiscence of the words of the journal in question, is far from being adequate. In fact, a design for a stone or marble or granite building is merely copied in iron, just as it might be copied in cork on a smaller scale, and for a mantel ornament. That is to say, the fronts of our cast-iron buildings are designed (if the word must needs be so misused) without any reference to the way in which those fronts are really built. These buildings are constructed throughout in the most primitive of all ways; they consist wholly of hollow

posts or pillars of cast-iron, supporting floors of rolled or laminated iron beams. That is the whole construction. The spaces between the pillars of the exterior are filled principally with glass; partly with thin panels, usually of cast iron, and set below the sills of the windows. The thickness of each floor is marked by a seeming lintel, with no weight upon it but that of the window and panel above. The spaces between the floor-beams are spanned by thin brick arches, and the floor is brought level at top with cement or concrete. There are faults, or rather deficiencies, in the system, but they need not detain us now. It is obvious that we have here as simple an instance of pure post-and-beam architecture as an early Greek temple, and one differing from Greek, and even from Egyptian examples, mainly, so far as the main theory of construction is concerned, in the superimposition of story above story. But there are many differences: thus, the strength of cast-iron, when used to resist crushing weight, is so great, and the strength of rolled iron, when used as a beam, is so great, that a building of these materials is removed from the jurisdiction of the rules controlling constructions in masonry. It is for this reason that iron building was first caught at by our mercantile houses, for the sake of the huge windows for light and for display. But there is still another difference: in all constructions of masonry, either the mere weight of the materials secures stability, as in Greek work, or mortars and cements are used, as in all modern work; but in iron building, where the weight of material is nothing in comparison with the spaces covered, and where adhesive mixtures are, of course, useless, the different parts are bolted together in a more or less skilful and economical way. And one who should look at the naked structure of one of these buildings would see that here the traditional form of masonry would be out of place; that vertical posts, very slender in proportion to the openings between them, are the leading constructional forms; that horizontal lintels of some kind, at the levels of the floors, are needed but secondary parts; that the remaining spaces are mere openings to be filled, and that the means used to secure the parts to each other are visibly of supreme importance, and explain the possibility of the construction, as well as point out its unlikeness to the

masonry constructions which at first seemed so nearly similar to it. The observer will see that column rests upon column, end to end, through the whole height of the seven or eight stories, and that the horizontal members rest upon brackets provided at the heads of the columns, and that the bolting is of two sorts, that which holds the vertical columns one to the other, and makes one continuous pier or shaft of six or seven separate castings, and that which merely keeps the lintel or the girder in its place. Any one inquisitive as to the nature of the building would see all this; and, as he had at first seen the likeness of the work to the post-and-lintel architecture of antiquity, he would see also, on examination, its many differences from that archetype.

If besides being curious about the essentials of construction, our observer should also have a certain amount of natural power of artistic design and some practise in designing, he would inevitably feel within him the first conception of a system of decoration, or of what is usually called architectural treatment, founded upon the construction. For it is to be never forgotten that all fine designing within our knowledge is in harmony with the form and make of the thing adorned. It is generally true, indeed, that the more elaborate and studied the construction, the more it controls the decorative design. It cannot be wholly explained, perhaps, why men never design so well as when strictly controlled by the limitations of building; but it is almost universally true, and it may be considered an axiom that no design is fine that ignores these things. It is instinctive to a born designer to explain, develop, and emphasize, while he adorns the necessary shape and make of his subject. Take anything very fine in building, and it will be found that the design was half made when the materials came to be understood; it is contrary to the nature of man that a style of building like that to which the Parthenon belongs should have grown up except in a marble-producing century. An iron Parthenon would be actually impossible, except as a piece of soulless and senseless copying; we may see one begun at any moment, but that is what it will be.

If a designer of a store-front knew and felt the meaning of arch-construction in masonry, or if he cared for any one of

the many styles of architecture which have been based upon arch-construction, it would be unnatural and almost impossible for him to get up an iron front in imitation of such building. Or if he felt the force of the new material and the opportunity and the need for decorative as well as merely constructive treatment of it, it would be nearly impossible for him to avoid putting into his design some new idea. Now it is from the putting new ideas into designs that new styles of architecture begin; and it is from the still further addition, time after time, of new ideas, and still new ones, and improvements upon the former new ones, that styles of architecture are developed and perfected. A style of architecture grows like ship-building, — nobody invents it, nobody can be said to do much to it, only each builder thinks he can make his vessel swifter, or stiffer, or more seaworthy by just one degree; and out of the Great Harry gradually comes the clipper-ship of the old California trade, — only each master-builder having a stone roof to build looks at other roofs and thinks for himself; pointed vaulting ribs are tried as a purely constructional device, after circular ones have been found insufficient; new combinations are found to be possible, and in twenty years Gothic vaulting in stone is developed, and what is called Gothic architecture with it. It is not desirable that people should annoy themselves about the invention of a new style; it will come of itself when we have common sense and simplicity enough to let it come. New styles of book-illustration develop themselves easily and naturally enough under the hands of the English and French designers, and something very like a new style is taking form in America, because book-illustration is in harmony with our modern thoughts, and we accept and enjoy what each artist has to offer; not criticising much, nor generally appreciating the greatness that may be in the work; just as young people read Shakespeare "for the story."

If it is natural to put new ideas into designs for new systems of building, — ideas, too, springing from the facts and necessities of the case, — it is right to ask for instances of design so modified, in the case of our cast-iron exteriors? Even if we suppose that the theory of their decoration is imperfectly developed at first, or even marred by unskilful carrying out in the

first few buildings, where are the evidences that any artistic thought has been given to the matter? Nowhere. The writer is unable at the moment to recall a single instance of frank and natural treatment of a cast-iron front. The nearest approach to it is in one or two instances in which a stone or marble front rests upon a ground story of cast-iron columns, where the columns are so treated as to confess their material, and effect is sought by judicious decorative painting. For it is to be observed, that iron-work used for exterior support must be kept perfectly covered with oil-paint, or it will rust and go rapidly to ruin; this is one of its faults as a building material, but this suggests the natural way to decorate it. It is in vain to try to make it look like stone by means of gray paint and sand, or like marble by means of white paint; its surface, lustreless, dead, and easily soiled and injured, gives the lie to all such feeble deceptions; any one who likes may compare the translucency and effective lightness of a marble shaft with the dead weight of a white-painted iron one, both before and after it has grown dirty. The natural way to treat iron is to paint it with combinations of color. Even our lifeless cast-iron buildings might be improved by judicious painting; but they would remain vile things still, and certainly are not worth the thought it would cost to decorate them rightly.

Is there no good iron-work, then? There is enough good engineering, noble roof and bridge building, — that is not the question. The inquiry is for a single instance of rational design used for the decorative treatment of an iron building. And if no instance can be given, and if the best modern ornamental iron-work to be found is just a piece or two of wrought-iron railing, or such an accident as the curious vaulted saloon built in the court-yard of the Astor House, then it must be confessed that things look badly. Either we have no good designers, or else there are influences at work that keep this important new problem from being submitted to them, and in either case there is some reason for feeling hopeless.

But, it will be argued, iron is such a poor building material, it is so treacherous, it needs, as has been said, so much cost and care to keep it painted, your imaginary logical designs would make such lathy and lantern-like fronts, it is so impos-

sible to decorate it, except by means of color, because cast-iron is incapable of ornamental treatment in relief, and wrought-iron or even sheet-iron decorations applied afterwards are so uncouth and so expensive, is it not, after all, a mere temporary fashion, this business of building in iron, and is it worth the while of anybody who can design to meddle with it?

It is probably true that our habit of building cast-iron exteriors is a huge blunder. It is certainly true that there is too high a premium offered by it to mere repetition of one motive, one capital, one base, or one group of mouldings, all over a building or a score of buildings. It is probably true that iron will always be the most expensive at first, and the least economical in the long run of all materials, and that wiser second-thought will relegate it to a position of last resort; the thing to use when nothing else will serve, — so far, at least, as exterior work is concerned. But for ten years and more iron fronts have been going up, one after another. It is natural to mean to make new designs for new systems of building; it is very hard for anybody who can design to avoid expressing himself when the chance is given. If, then, it is impossible to get an attempt at something better than what we have had in iron, it must be from one or the other of the reasons given above, — either because there are so few designers in readiness, that as yet no one of them has chanced to be intrusted with an iron building, or because no owner will allow his exterior to be other than those around, and in either case it may be said roughly to be because nobody cares. Worse than that things could hardly be. But let us leave the iron buildings, and if there is any comfort to be got out of those of the old-fashioned materials and construction, let us try to find it.

One of the most peculiarly American institutions is the city house. The dwellings costing from thirty thousand dollars to a quarter of a million, and pretending to architectural display, such as make up the bulk of certain parts of our thickly built cities, are peculiarly Cisatlantic in character. The regular London house of pale brick is not unlike the regular New York house or the regular Boston house of a few years ago; but the brown-stone-fronted, high-stoop, or English-basement house of these late times is like nothing but itself. The style

and fashion of these, as developed in New York, have been followed almost exactly in Chicago and other cities, very closely in Boston, less closely in Philadelphia. For the most part a modification of revived classic has been employed, deserving mention as the nearest approach to a real style that we have, ugly, poor, and bald as it is. All twenty-five foot fronts in New York are alike, or nearly so. All are arranged with openings for doors and windows, where the interior disposition requires it. Money is freely spent upon the narrow fronts in elaborate stone work, and even in decorative carving; and when larger dwellings are built, the style proves elastic enough to cover all the exigencies. The plan and disposition of these houses, in spite of some bad things about them, as, for instance, the almost universal "areas" which are sunk in front of them, and give them the look, fatal to architectural dignity, of standing in pits, — the plan and disposition of these New York houses has proved capable of better exteriors, in the few cases in which an attempt has been made to treat the problem more artistically. There is some reason to believe that the very best opportunity offered to architectural artists in America is in these city houses in their crowded blocks. For, observe, buildings in the country are, one here and one there, too far apart and too seldom to be seen to influence much the builders of new ones. Commercial buildings must be show-cards, and simplicity and repose are of necessity, it seems, banished from them. Churches are beyond us. Why they are so we shall see in the course of our discussion. Public buildings only share in the advantages of these city dwellings, and the public buildings will go with the dwellings in their improvement or decline. The greatest chance offered our architectural designers to help each other and to build up in harmony a really indigenous and natural, and therefore permanent style of building, is in the rows of fine houses that are to spring up around our great parks. What is one man's partial success, even in an important building, to his success in building a good house in such a neighborhood, which his friend may have in mind in building another house near by for a different owner, and which he himself will improve upon a few months later in his design for still a third dwelling

near to both the former? It is of artistic progress that we are speaking, and the best art does not come of the most ambitious buildings, nor of those that cost the most or have given the most arduous labor to the superintending architect. None of our designers are quite strong enough to walk without leading-strings; few of our designers can design a free building of irregular plan, as well as a front one of a row. To go on for the next ten years building up the streets around Central Park one house at a time, each for its one owner who should mean to live in it, having previously thrown overboard some annoying encumbrances to free thought, would be the ideal condition of architectural progress.

As it is, however, among the thousands of costly and elaborate houses that cover a parallelogram two miles long and a mile wide in the heart of New York City, it is doubtful if there are two hundred that have been designed one at a time, each for itself; it is doubtful if there are twenty that have actual merit as simple and unaffected works of architectural art. Our brown-stone fronts are built more generally in lots of from two to ten, by speculators, who hurry them through in time for renting or sale in spring or autumn. There are architects who for a hundred or two of dollars will make plans of five stories and an elevation of a front, which "design" will serve for all the houses of that size that our speculator means to erect. It is all legitimate enough in a mercantile sense; nobody is cheated except by his own ignorance of what he might have for his money; but the lost art of beautiful building will never be found again where such practices prevail. The type of all our houses, both in plan and exterior, is established by these constructors, who are in the immense majority. Then it becomes hard for one who would build his own house not to expect one just like his neighbor's. It is probable that anything at all different will really shock him and unsettle his notions of what a house ought to be. The same man who would employ on his work in the country the most artistically minded architect he might know, will have his city house copied accurately after his neighbor's, with the change of a few closets in the second story.

Things are somewhat better in Boston, because there a much larger proportion of the houses have been designed for their

inhabitants. Walking about the newly built parts of Boston, with your eye on the buildings, is certainly less depressing than doing the same thing in New York. There is perhaps a ray of hope to be seen in the strange vagaries that the houses on Western Avenue and Commonwealth Avenue have indulged in. On the other hand, there are few of them that are at all refined or graceful or *soignés*, cared for, in design. The writer has seen a house in Philadelphia that is very nearly a success; but the general appearance of the city is that of many years ago, that is to say, attempts at making designs for dwelling-houses have been but few.

There are at least these two classes of buildings in America to which architectural thought is not applied, except in single and few instances. It is easy to see, in this very fact, good reason for the ill-success of what attempts are made to plan wisely and to design independently in other departments. The country houses, for instance, scattered all over the land and clustering thickly around the cities, are generally planned with thought and good intention, not for sale, but to be lived in; and while the owner often would be pleased to have the exterior graceful and pretty, the designer, if an architect of standing, would generally have an idea of the exterior and take some pains to carry it out. But it is notorious that very few of the country houses are pretty, and that still fewer are of a high order of artistic design, and that almost none are excellent. Suppose there were question of sending photographs of American buildings to undergo the examination of really high critical authority in Europe, in that case it is safe to assume that, apart from ways of building that are purely American, there would be little in the photographs of our country houses, roughly classed together, to command the respect or the careful consideration of such authority. It is not meant that the buildings of Europe are necessarily better than ours, but only that there does exist there something like criticism, which might be appealed to as disinterested and somewhat calmer than our own, as being more conversant with the mighty past. If, then, it is true that our best men have worked at country houses with small resulting influence upon the general state of the art, and if the fashion of our country houses has undergone no

improvement that can be estimated, except the doubtful one of greater variety in treatment, the first reason for this discouraging state of things is to be found in the total failure of city building to set a better example. It is obvious that the country looks to the city for instruction. In the city more money per cubic foot is spent, in the city the best materials are used much more than in the country, in the city the best mechanics are to be found, that is to say, those who are the most skilful in elaborate and highly finished work; in the city those of our architects who are highly trained, and whose power of design, smaller or greater, is kept in use, are generally resident, and these can work with the greatest freedom and zeal upon buildings near their offices, which buildings, also, will be seen and criticised more than others. But country houses are better than city ones already; more ingenious, more novel, more various in design, more near to good architecture, though still far enough away from it. If the time ever comes that our architects have among them so much of the spirit of good building and of the arts of design that they can study and improve upon one another's works, in the natural way, the city will take the lead, and, as has been said above, the streets of residences in the great cities will be alternately the study and the scene of triumph of each artist. But until that time the country houses must look to themselves, and owner and designer will take long journeys to see in a distant village how two colors of stones look together, and whether there is anything worthy of study in an arrangement of roof they have heard of.

It will be argued, however, that the architects, when properly paid and properly trusted, ought to do something, even under our vicious system, and that more pleasing designs and properly built houses ought to be found in our suburban villages. Now, in the first place this is true, and in the second place there are several considerations which are to be taken into the account; and these, although very much dependent upon each other and modifying each other in all sorts of ways, must be distinguished one from the other in some way. They may be numbered, therefore, from one to five.

1. The modern architect is one of the busiest men even in

our busy cities. In all the occupation and bustle and constant succession of different claims upon attention, which make life in New York the over-exciting and exhausting thing it is, no man is more harassed than an architect in large practice. The office of a leading law firm needs to be thoroughly organized, but not more imperatively than an architectural office. The great "railroad man," with different boards of direction to attend, with a score of different and perhaps conflicting duties to do, with responsibilities pressing upon him on all sides, needs to divide his time carefully to make his engagements fit one another, and to take intervals of rest by violence, as it were, in spite of what seems most pressing and most in need of his attention, but not more absolutely than a busy architect. Indeed, the duties of half a dozen men are laid upon him. He is and must be, in all his most important work, an agent, charged with great responsibility, wielding great patronage, beset by powerful temptations to make money by irregular, if not dishonest means, the one person who is to blame, and who is blamed if anything costs a dollar more than it might have been got for. He is a constructor, supposed to know all the laws of good building, and to be able to enforce these laws upon all and sundry, seeing to it that his hundreds of working drawings are each one faultless, and that his dozen or score of builders' foremen, working from them and guiding their scores of mechanics, are all carrying them out to the minutest particular. He is supposed to have time to watch the new inventions, and to decide which to employ and which are not yet proved; and the flood of circulars, that sets "like to the Pontic Sea" right into every well-known architect's office, is a measure of that task in this age and country of inventions. He is supposed to know which kitchen range to recommend at a high price, and which is best of those at sixty dollars. Which hot-air furnace will work the best in a given house, and which steam-heater is the best for a large building; what strength of water-pipe is needed for the plumbing in Brooklyn, where the water head is high and the pressure great, and what sized water-tank is needed on the top of Murray Hill, as high as the distributing reservoir itself. But his first duty is to plan buildings; and to do this aright his power of

adaptation and his quickness of perception, whatever they may be, must be trained by habits of constantly observing and always remembering the requirements of every kind of edifice. No man, for instance, can plan a dwelling-house, even the smallest, as well as it ought to be planned, if he is not thoroughly conversant with the life that is to be led in it, as the most intelligent village carpenter can hardly plan a cottage for a cultivated family, accustomed to what is called elegant life; and this merely because of want of experience of such life. But, on the other hand, no man can plan well who is not always planning. The experience of nearly all architects will probably agree in this, that their most successful plans for dwellings have been those to which the owner contributed nothing but criticism and modifications, the plan in its principal features having been created at the first visit to the site, and by that kind of instinct which comes of long practice. And as the architect's first duty is planning, so his second duty is artistic design, which is the subject of this inquiry, and which is the one thing to suffer. The constant and engrossing occupations alluded to are not inconsistent with one another; the unceasing toil they make necessary is delightful to many men, no pleasure is so great to those who can taste it as the rapid, successful, efficient getting through of important work. But it all interferes with artistic design. To design, the artist should have peace, and, above all, no distracting and contradictory claims upon his attention. What might have been a fine design is ruined by interruptions and by distracting responsibilities. More often still, he who might have been a fine designer gives up in despair all attempt at doing his best, and year by year leaves the matter of artistic design more and more to his growing power of rapid decision and to chance, hoping to get something good, if not the best. Experience shows such men that the only safe way for them is to keep their designs plastic, as it were, to the last moment, and to decide finally upon each detail at the right time, as the work goes on; but the amount of thought, watchfulness, and labor involved by this course it would be in vain to try to describe. For a busy architect to make a tolerable design and carry it out, he must be not only a designer by nature, but also a trained

student of the fine arts, critically familiar with the most perfect fine art of the world, and therefore able to judge his own work with remorseless severity.

2. There are many modern materials and modern processes of building which have proved singularly unfavorable to good artistic effect, both interior and exterior. The work of the planing-mill, the jig-saw, the cut-nail machine, the moulding-mill, the new arts of working iron and cast-iron, the introduction of artificial stones and thin metal imitations of stone cornices and dormers, — these things, and many more such things, have been hitherto almost wholly evil in their effect upon the beauty of our buildings. They have been used in constant and direct violation of the principle laid down, that all good architectural design must be based upon the nature and the uses of the building. And while they have driven out, as it was inevitable they should, the picturesque half-timbered house, the solid framed church roof, and the groined vault, they have supplied no new elements of design to take their places. It is to be supposed that they cannot drive out carved stone, and the proper use of bricks and solid wood; but it is clear that they must abolish very many of the sacred traditions, and as yet they bring nothing good to take their place. This would not have been so had the architects grappled with the difficulty. What has been said above is a partial answer to the question, Why have they not done so? That they ought to have done more than they have has also been admitted.

3. The enormous cost of building in America affects the general question very much. As many small churches are needed, as many public buildings, and as many or more private houses, all in proportion to the population, as if we were able to build as cheaply as in England. And not only does all building-work cost more, in proportion to other things, than in Europe, what is worse, all fine hand-work, all that is not the regular stock "finish" of the carpenters and masons, costs more, in proportion to other expenses of building, than in Europe. Connected with this is the fear the builders all show of everything like a new style of work, — new to them, that is to say; and, unfortunately, nearly all good work is new to them.

A partial exception exists in the great cities, where a few mechanics become trained to doing fine work according to drawings. But it is generally impossible to persuade master builders to contract for such work, except at prices which are confessedly much higher than is right, and made so to guard against the possibility of loss on untried work.

The amount of resistance that all this opposes to true progress is incalculable. There is no room here to enlarge upon the topic; but, fortunately, instances of the difficulty in question are within the experience of many persons, and the difficulty itself is obvious.

4. The obstacles that have been mentioned as obstructing the architects in whatever attempts they may make to give the world better art are obstacles for which they are partly responsible, and which they can little by little remove. But those that remain to be spoken of are of another kind. There is nothing, on the whole, so hostile to good art of any kind as ostentation; and this is true of all forms of that small kind of pride. The desire to surpass your neighbor, in a mean way, by mere glitter, and the wish to impress the passers-by with a mere display of costliness, are not more mischievous than the common form,—the settled conviction that your house, already, perhaps, pinched by insufficient means to build it well, must have everything supposed to be a part of a stylish house, or that life in it will be insupportable. This is at the bottom of half our bad building and childish copying of each other's ugly houses. Every one knows that a house with cheap plumbing that will fail, poor wood-work that will gape, and slight foundations that will settle, will still be salable enough if it has "a neat brown-stone front" and an elaborate galvanized iron cornice. But whether a thoroughly well-built and well-appointed house, of "old-fashioned" exterior, will sell depends wholly upon whether one of the few more sensible members of the community wants a house at the moment and chances to hear of the one in question. In like manner, let the architect propose to his client a quaint and picturesque interior, and, in most cases, it will be rejected; not because of a high standard of taste that insists upon more simplicity and repose, but because the houses all about, which are of the regular, the received type,

weigh upon the owner's mind and overawe him into meek imitation of their feeble modishness. A very noble design could not be approved for the same reason, but for another reason as well, which must pass unexplained this time.

5. And the fifth consideration is the timidity of men; but this is so nearly allied in every-day life with the commoner forms of ostentation, that it is hard to distinguish in a given case, much more to distinguish between them in a general inquiry. The remedy is beyond special prescription; it is to be found only in that higher education of our people, towards which every effort of true patriots ought to tend.

These general considerations have been stated *apropos* of American country houses, the most nearly successful, taken as a class, of all American buildings. The same burdens weigh upon progress in decorative design, in all the departments of building. And in some there are still other difficulties in the way of steady or rapid advance.

Why is it that it is, at the same time, the recognized custom to build churches in some form or modification of Gothic, and theatres and ball-rooms in some kind of florid modern classic? Other buildings are freer; no one style is assumed to be peculiarly domestic, no one style is supposed to be the only possible one for a bank. An architect who cares for artistic design may, if his feeling and knowledge control him as they ought, design all his buildings according to the same principles and with the same end in view, except that he will be compelled to build a church according to received maxims of ecclesiology, a very different thing from good art, and except that his interest will bid him decorate the interior of a theatre in as near the "style of the Empire" as his feelings of disgust will allow. Now as regards churches, at least it may be admitted that a good copy of fine Gothic work has its beauty, and that in some cases the order to copy has saved the world from a perfectly worthless building; but still the tacit understanding that churches are to be Gothic, and the codicil to that, that the best Gothic is the most like thirteenth-century Gothic, are foes to artistic progress. Let it be remembered how hard it is for any one to do well in art, in these modern times, with little encouragement to strive, with little sympathy for his best

efforts, with no ancestral fine designing to appeal to, with his pecuniary interest almost directly opposed to his sense of what is right and what is lovely. If achievement is made still harder and languid acquiescence easier by the exhortation to copy, — to copy, moreover, admirable art confessedly beyond the power of living artists to equal, and capable of giving great delight to the student of its characteristics, — modern art is deprived of its one remaining chance. The best of these derivative and archæological styles of art is to living art very nearly as copying pictures by great masters is to painting pictures of one's own. And this copying of pictures, however good for practice, and however necessary to one who would feel the whole power of the master, tends but very slightly to produce good original painters. Modern criticism is of incalculable importance ; the whole fabric of the future, its knowledge and its original achievement, is to be built up according to the dictates of this criticism, and may be expected to assume extraordinary, novel, and splendid forms of perfection under this new influence. But in itself it is destructive, not creative, and knocks to pieces the showy bits of finery we set up with little consideration of how we are to replace them. There are unbounded possibilities for art in that great civilization of the future which is dimly to be seen forming itself out of the present chaos of half-understood tradition and half-digested schemes ; but the immediate horizon is dark. Whether any light of hope can be descried by careful scrutiny, and what, if anything, lies with this generation to do, is another part of our inquiry.

Russell Sturgis, Jr.

Art. VII. — Pope.

In 1675 Edward Phillips, the elder of Milton's nephews, published his *Theatrum Poetarum*. In his Preface and elsewhere there can be little doubt that he reflected the æsthetic principles and literary judgments of his now illustrious uncle, who had died in obscurity the year before.* The great poet who gave to English blank verse the grandeur and compass of organ-music, and who in his minor poems kept alive the traditions of Fletcher and Shakespeare, died with no foretaste, and yet we may believe as confident as ever, of that "immortality of fame" which he tells his friend Diodati he was "meditating with the help of Heaven" in his youth. He who may have seen Shakespeare, who doubtless had seen Fletcher, and who perhaps personally knew Jonson,† lived to see that false school of writers whom he qualified as "good rhymists, but no poets" at once the idols and the victims of the taste they had corrupted. As he saw, not without scorn, how they found universal hearing, while he slowly won his audience fit though few, did he ever think of the hero of his own epic at the ear of Eve? It is not impossible; but however that may be, he sowed in his nephew's book the dragon's teeth of that long war which, after the lapse of a century and a half, was to end in the expulsion of the usurping dynasty and the restoration of the ancient and legitimate race whose claim rested on the grace of God. In the following passage surely the voice is Milton's, though the hand be that of Phillips: "Wit, ingenuity, and learning in verse, even elegancy itself, though that comes nearest, are one thing; true native poetry is another, in which there is a certain air and spirit, which, perhaps, the most learned and judicious in other arts do not perfectly apprehend; much less is it attainable by any art or study." The man who speaks of elegancy as coming nearest, certainly shared, if he was not repeating, the opinions of him who thirty years before had said that "decorum" (meaning a

* This was Thomas Warton's opinion.

† Milton, a London boy, was in his eighth, seventeenth, and twenty-ninth years, respectively, when Shakespeare (1616), Fletcher (1625), and B. Jonson (1637) died.

higher or organic unity) was "the grand masterpiece to observe" in poetry.*

It is upon this text of Phillips (as Chalmers has remarked) that Joseph Warton bases his classification of poets in the dedication to Young of the first volume of his essay on the Genius and Writings of Pope, published in 1756. That was the earliest public and official declaration of war against the reigning mode, though private hostilities and reprisals had been going on for some time. Addison's panegyric of Milton in the *Spectator* was a criticism, not the less damaging because indirect, of the superficial poetry then in vogue. His praise of the old ballads condemned by innuendo the artificial elaboration of the drawing-room pastoral by contrasting it with the simple sincerity of nature. Himself incapable of being natural except in prose, he had an instinct for the genuine virtues of poetry as sure as that of Gray. Thomson's "Winter" (1726) was a direct protest against the literature of Good Society, going as it did to prove that the noblest society was that of one's own mind heightened by the contemplation of outward nature. What Thomson's poetical creed was may be surely inferred from his having modelled his two principal poems on Milton and Spenser, ignoring rhyme altogether in the "Seasons," and in the "Castle of Indolence" rejecting the stiff mould of the couplet. In 1744 came Akenside's "Pleasures of Imagination," whose very title, like a guide-post, points away from the level highway of commonplace to mountain-paths and less domestic prospects. The poem was stiff and unwilling, but in its loins lay the seed of nobler births, and without it the "Lines written at Tintern Abbey" might never have been. Three years later Collins printed his little volume of Odes, advocating in theory and exemplifying in practice the natural supremacy of the imagination (though he called it by its older name of fancy) as a test to distinguish poetry from verse-making. The whole Romantic School, in its germ, no doubt, but yet unmistakably foreshadowed, lies already in the "Ode on the Superstitions of the Highlands." He was the first to bring back into poetry something of the antique fervor, and found again the long-lost secret of being classically elegant without being pedantically cold.

* In his Tractate on Education.

A skilled lover of music,* he rose from the general sing-song of his generation to a harmony that had been silent since Milton, and in him, to use his own words,

> "The force of energy is found,
> And the sense rises on the wings of sound."

But beside his own direct services in the reformation of our poetry, we owe him a still greater debt as the inspirer of Gray, whose "Progress of Poesy," in reach, variety, and loftiness of poise, overflies all other English lyrics like an eagle. In spite of the dulness of contemporary ears, preoccupied with the continuous hum of the popular hurdy-gurdy, it was the prevailing blast of Gray's trumpet that more than anything else called men back to the legitimate standard.† Another poet, Dyer, whose "Fleece" was published in 1753, both in the choice of his subject and his treatment of it gives further proof of the

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* Milton, Collins, and Gray, our three great masters of harmony, were all musicians.

† Wordsworth, who recognized forerunners in Thomson, Collins, Dyer, and Burns, and who chimes in with the popular superstition about Chatterton, is always somewhat niggardly in his appreciation of Gray. Yet he owed him not a little. Without Gray's tune in his ears, his own noblest Ode would have missed the varied modulation which is one of its main charms. Where he forgets Gray his verse sinks to something like the measure of a jig. Perhaps the suggestion of one of his own finest lines,

("The light that never was on land or sea,")

was due to Gray's

"Orient hues unborrowed of the sun."

I believe it has not been noticed that among the verses in Gray's "Sonnet on the Death of West," which Wordsworth condemns as of no value, the second —

"And reddening Phœbus lifts his golden fires" —

is one of Gray's happy reminiscences from a poet in some respects greater than either of them:

> Jamque *rubrum* tremulis jubar *ignibus erigere alte*
> Cum cœptat natura.
>
> LUCRET., iv, 404, 405.

Gray's taste was a sensitive divining-rod of the sources whether of pleasing or profound emotion in poetry. Though he prized pomp, he did not undervalue simplicity of subject or treatment, if only the witch Imagination had cast her spell there. Wordsworth loved solitude in his appreciations as well as in his daily life, and was the readier to find merit in obscurity, because it gave him the pleasure of being a first discoverer all by himself. Thus he addresses a sonnet to John Dyer. But Gray was one of "the pure and powerful minds" who had discovered Dyer during his lifetime, when the discovery of poets is more difficult. In 1753 he writes to Walpole: "Mr. Dyer has more poetry in his imagination than almost any of our number, but rough and injudicious." Dyer has one fine verse, —

"On the dark level of adversity."

tendency among the younger generation to revert to simpler and purer models. Plainly enough, Thomson had been his chief model, though there are also traces of a careful study of Milton.

Pope had died in 1744, at the height of his renown, the acknowledged monarch of letters, as supreme as Voltaire when the excitement and exposure of his coronation-ceremonies at Paris hastened his end a generation later. His fame, like Voltaire's, was European, and the style which he had carried to perfection was paramount throughout the cultivated world. The new edition of the "Dunciad," with the Fourth Book added, published the year before his death, though the substitution of Cibber for Theobald made the poem incoherent, had yet increased his reputation and confirmed the sway of the school whose recognized head he was, by the poignancy of its satire, the lucidity of its wit, and the resounding, if somewhat uniform march, of its numbers. He had been translated into other languages living and dead. Voltaire had long before pronounced him "the best poet of England, and at present of all the world."* It was the apotheosis of clearness, point, and technical skill, of the ease that comes of practice, not of the fulness of original power. And yet, as we have seen, while he was in the very plenitude of his power, there was already a widespread discontent, a feeling that what "comes nearest," as Phillips calls it, may yet be infinitely far from giving those profounder and incalculable satisfactions of which the soul is capable in poetry. A movement was gathering strength which prompted

> "The age to quit their clogs
> By the known rules of virtuous liberty."

Nor was it wholly confined to England. Symptoms of a similar reaction began to show themselves on the Continent, notably in the translation of Milton (1732) and the publication of the *Nibelungen Lied* (1757) by Bodmer, and the imitations of Thomson in France. Was it possible, then, that there was anything better than good sense, elegant diction, and the highest polish of style? Could there be an intellectual appetite which antithesis failed to satisfy? If the horse would only have faith

* MS. letter of Voltaire, cited by Warburton in his edition of Pope, Vol. IV. p. 38, note. The date is 15th October, 1726. I do not find it in Voltaire's Correspondence.

enough in his green spectacles, surely the straw would acquire, not only the flavor, but the nutritious properties of fresh grass. The horse was foolish enough to starve, but the public is wiser. It is surprising how patiently it will go on, for generation after generation, transmuting dry stubble into verdure in this fashion.

The school which Boileau founded was critical and not creative. It was limited, not only in its essence, but by the capabilities of the French language and by the natural bent of the French mind, which finds a predominant satisfaction in phrases if elegantly turned, and can make a despotism, political or æsthetic, palatable with the pepper of epigram. The style of Louis XIV. did what his armies failed to do. It overran and subjugated Europe. It struck the literature of imagination with palsy, and it is droll enough to see Voltaire, after he had got some knowledge of Shakespeare, continually endeavoring to reassure himself about the poetry of the *grand siècle*, and all the time asking himself, "Why, in the name of all the gods at once, is this *not* the real thing?" He seems to have felt that there was a dreadful mistake somewhere, when poetry must be called upon to prove itself inspired, above all when it must demonstrate that it is interesting, all appearances to the contrary notwithstanding. Difficulty, according to Voltaire, is the tenth Muse; but how if there were difficulty in reading as well as writing? It was something, at any rate, which an increasing number of persons were perverse enough to feel in attempting the productions of a pseudo-classicism, the classicism of red heels and periwigs. Even poor old Dennis himself had arrived at a kind of muddled notion that artifice was not precisely art, that there were depths in human nature which the most perfectly manufactured line of five feet could not sound, and passionate elations that could not be tuned to the lullaby seesaw of the couplet. The satisfactions of a conventional taste were very well in their own way, but were they, after all, the highest of which men were capable who had obscurely divined the Greeks, and who had seen Hamlet, Lear, and Othello upon the stage? Was not poetry, then, something which delivered us from the dungeon of actual life, instead of basely reconciling us with it?

A century earlier the school of the *cultists* had established a dominion, ephemeral, as it soon appeared, but absolute while it

lasted. Du Bartas, who may, perhaps, as fairly as any, lay claim to its paternity,* had been called divine, and similar honors had been paid in turn to Gongora, Lilly, and Marini, who were in the strictest sense contemporaneous. The infection of mere fashion will hardly account satisfactorily for a vogue so sudden and so widely extended. It may well be suspected that there was some latent cause, something at work more potent than the fascinating mannerism of any single author in the rapid and almost simultaneous diffusion of this purely cutaneous eruption. It is not improbable that, in the revival of letters, men whose native tongues had not yet attained the precision and grace only to be acquired by long literary usage, should have learned from a study of the Latin poets to value the form above the substance, and to seek in mere words a conjuring property which belongs to them only when they catch life and meaning from profound thought or powerful emotion. Yet this very devotion to expression at the expense of everything else, though its excesses were fatal to the innovators who preached and practised it, may not have been without good results in refining language and fitting it for the higher uses to which it was destined. The *cultists* went down before the implacable good sense of French criticism, but the defect of this criticism was that it ignored imagination altogether, and sent Nature about her business as an impertinent baggage whose household loom competed unlawfully with the machine-made fabrics, so exquisitely uniform in pattern, of the royal manufactories. There is more than a fanciful analogy between the style which Pope brought into vogue and that which for a time bewitched all ears in the latter half of the sixteenth century. As the master had made it an axiom to avoid what was mean or low, so the disciples endeavored to escape from what was common. This they contrived by the ready expedient of the periphrasis. They called everything something else. A boot with them was

> "The shining leather that encased the limb";

coffee became

> "The fragrant juice of Mocha's berry brown";

* Its taste for verbal affectations is to be found in the *Roman de la Rose*, and (yet more absurdly forced) in Gauthier de Coinsy; but in Du Bartas the research of effect not seldom subjugates the thought as well as the phrase.

and they were as liberal of epithets as a royal christening of proper names. Two in every verse, one to balance the other, was the smallest allowance. Here are four successive verses from "The Vanity of Human Wishes": —

> "The *encumbered* oar scarce leaves the *dreaded* coast
> Through *purple* billows and a *floating* host.
> The *bold* Bavarian in a *luckless* hour
> Tries the *dread* summits of *Cæsarian* power."

This fashion perished also by its own excess, but the criticism which laid at the door of the master all the faults of his pupils was unjust. It was defective, moreover, in overlooking how much of what we call natural is an artificial product, above all in forgetting that Pope had one of the prime qualities of a great poet in exactly answering the intellectual needs of the age in which he lived, and in reflecting its lineaments. He did in some not inadequate sense hold the mirror up to nature. His poetry is not a mountain-tarn, like that of Wordsworth; it is not in sympathy with the higher moods of the mind; yet it continues entertaining, in spite of all changes of mode. It was a mirror in a drawing-room, but it gave back a faithful image of society, powdered and rouged, to be sure, and intent on trifles, yet still as human in its own way as the heroes of Homer in theirs.

For the popularity of Pope, as for that of Marini and his sect, circumstances had prepared the way. English literature for half a century after the Restoration showed the marks both of a moral reaction and of an artistic vassalage to France. From the compulsory saintship and cropped hair of the Puritans men rushed or sneaked, as their temperaments dictated, to the opposite cant of sensuality and a wilderness of periwig. Charles II. had brought back with him from exile French manners, French morals, and above all French taste. Misfortune makes a shallow mind sceptical. It had made the king so; and this, at a time when court patronage was the main sinew of authorship, was fatal to the higher qualities of literature. That Charles should have preferred the stately decorums of the French school, and should have mistaken its polished mannerism for style, was natural enough. But there was something also in the texture of the average British mind which prepared it for this subjugation from the other side of the Channel. No observer of men

can have failed to notice the clumsy respect which the understanding pays to elegance of manner and *savoir-faire*, nor what an awkward sense of inferiority it feels in the presence of an accomplished worldliness. The code of society is stronger with most persons than that of Sinai, and many a man who would not scruple to thrust his fingers in his neighbor's pocket would forego green peas rather than use his knife as a shovel. The submission with which the greater number surrender their natural likings for the acquired taste of what for the moment is called the World is a highly curious phenomenon, and, however destructive of originality, is the main safeguard of society and nurse of civility. Any one who has witnessed the torments of an honest citizen in a foreign gallery before some hideous martyrdom which he feels it his duty to admire, though it be hateful to him as nightmare, may well doubt whether the gridiron of the saint were hotter than that of the sinner. It is only a great mind or a strong character that knows how to respect its own provincialism and can dare to be in fashion with itself. The bewildered clown with his "Am I Giles? or am I not?" was but a type of the average man who finds himself uniformed, drilled, and keeping step, whether he will or no, with the company into which destiny or chance has drafted him, and which is marching him inexorably away from everything that made him comfortable.

The insularity of England, while it fostered pride and reserve, entailed also that sensitiveness to ridicule which haunts pride like an evil genius. "The English," says Barclay, writing half a century before the Restoration, "have for the most part grave minds and withdrawn, as it were, into themselves for counsel; they wonderfully admire themselves and the manners, genius, and spirit of their own nation. In salutation or in writing they endure not (unless haply imbued with foreign manners) to descend to those words of imaginary servitude which the refinement (*blandities*) of ages hath invented."* Yet their fondness of foreign fashions had long been the butt of native satirists. Every one remembers Portia's merry picture of the English lord: "How oddly he is suited! I think he bought his doublet in Italy, his round hose in

* *Barclaii Satyricon*, p. 382. Barclay had lived in France.

France, his bonnet in Germany, and his behavior everywhere." But while she laughs at his bungling efforts to make himself a cosmopolite in externals, she hints at the persistency of his inward Anglicism: "He hath neither Latin, French, nor Italian." In matters of taste the Anglo-Saxon mind seems always to have felt a painful distrust of itself, which it betrays either in an affectation of burly contempt or in a pretence of admiration equally insincere. The young lords who were to make the future court of Charles II. no doubt found in Paris an elegance beside which the homely bluntness of native manners seemed rustic and underbred. They frequented a theatre where propriety was absolute upon the stage, though license had its full swing behind the scenes. They brought home with them to England debauched morals and that urbane discipline of manners which is so agreeable a substitute for discipline of mind. The word "genteel" came back with them, an outward symptom of the inward change. In the last generation, the men whose great aim was success in the Other World had wrought a political revolution; now, those whose ideal was prosperity in This World were to have their turn and to accomplish with their lighter weapons as great a change. Before the end of the seventeenth century John Bull was pretty well persuaded, in a bewildered kind of way, that he had been vulgar, and especially that his efforts in literature showed marks of native vigor, indeed, but of a vigor clownish and uncouth. He began to be ashamed of the provincialism which had given strength, if also something of limitation, to his character.

Waller, who spent a whole summer in polishing the life out of ten lines to be written in the Tasso of the Duchess of York, expresses the prevailing belief as regarded poetry in the prologue to his "improvement" of the "Maid's Tragedy" of Beaumont and Fletcher. He made the play *reasonable*, as it was called, and there is a pleasant satire in the fact that it was refused a license because there was an immoral king in it. On the throne, to be sure, — but on the stage! Forbid it, decency!

> "Above our neighbors' our conceptions are,
> But faultless writing is the effect of care;
> Our lines reformed, and not composed in haste,
> Polished like marble, would like marble last.
> . . . . .

> Were we but less indulgent to our fau'ts,
> And patience had to cultivate our thoughts,
> Our Muse would flourish, and a nobler rage
> Would honor this than did the Grecian stage."

It is a curious comment on these verses in favor of careful writing, that Waller should have failed even to express his own meaning either clearly or with propriety. He talks of "cultivating our thoughts," when he means "pruning our style"; he confounds the Muse with the laurel, or at any rate makes her a plant, and then goes on with perfect equanimity to tell us that a nobler "rage" (that is, madness) than that of Greece would follow the horticultural devices he recommends. It never seems to have occurred to Waller that it is the substance of what you polish, and not the polish itself, that insures duration. Dryden, in his rough-and-ready way, has hinted at this in his verses to Congreve on the "Double Dealer." He begins by stating the received theory about the improvement of English literature under the new *régime*, but the thin ice of sophistry over which Waller had glided smoothly gives way under his greater weight, and he finds himself in deep water ere he is aware.

> "Well, then, the promised hour has come at last,
> The present age in wit obscures the past;
> Strong were our sires, and as they fought they writ,
> Conquering with force of arm* and dint of wit.
> Theirs was the giant race before the Flood;
> And thus when Charles returned our Empire stood;
> Like Janus he the stubborn soil manured,
> With rules of husbandry the rankness cured,
> Tamed us to manners when the stage was rude,
> And boisterous English wit with art endued;
> Our age was cultivated thus at length,
> But what we gained in skill we lost in strength;
> Our builders were with want of genius curst,
> The second temple was not like the first."

There would seem to be a manifest reminiscence of Waller's verse in the half-scornful emphasis which Dryden lays on "cultivated." Perhaps he was at first led to give greater weight to correctness and to the restraint of arbitrary rules

* Usually printed *arms*, but Dryden certainly wrote *arm*, to correspond with *dint*, which he used in its old meaning of a downright blow.

from a consciousness that he had a tendency to hyperbole and extravagance. But he afterwards became convinced that the heightening of discourse by passion was a very different thing from the exaggeration which heaps phrase on phrase, and that genius, like beauty, can always plead its privilege. Dryden, by his powerful example, by the charm of his verse which combines vigor and fluency in a measure perhaps never reached by any other of our poets, and above all because it is never long before the sunshine of his cheerful good sense breaks through the clouds of rhetoric, and gilds the clipped hedges over which his thought clambers like an unpruned vine, — Dryden, one of the most truly English of English authors, did more than all others combined to bring about the triumphs of French standards in taste and French principles in criticism. But he was always like a deserter who cannot feel happy in the victories of the alien arms, and who would go back if he could to the camp where he naturally belonged. Between 1660 and 1700 more French words, I believe, were directly transplanted into our language than in the century and a half since. What was of more consequence, French ideas came with them, shaping the form, and through that modifying the spirit, of our literature.

Voltaire, though he came later, was steeped in the theories of art which had been inherited as traditions of classicism from the preceding generation. He had lived in England, and, I have no doubt, gives us a very good notion of the tone which was prevalent there in his time, an English version of the criticism imported from France. He tells us that Mr. Addison was the first Englishman who had written a *reasonable* tragedy. And in spite of the growling of poor old Dennis, whose sandy pedantry was not without an oasis of refreshing sound judgment here and there, this was the opinion of most persons at that day, except, it may be suspected, the judicious and modest Mr. Addison himself. Voltaire says of the English tragedians, — and it will be noticed that he is only putting, in another way, the opinion of Dryden, — "Their productions, almost all barbarous, without polish, order, or probability, have astonishing gleams in the midst of their night; . . . . it seems sometimes that nature is not made in England as it is else-

where." *Eh bien*, the inference is that we must try and make it so! The world must be uniform in order to be comfortable, and what fashion so becoming as the one we have invented in Paris? It is not a little amusing that when Voltaire played master of ceremonies to introduce the *bizarre* Shakespeare among his countrymen, that other kind of nature made a profounder impression on them than quite pleased him. So he turned about presently and called his whilome *protégé* a buffoon.

The condition of the English mind at the close of the seventeenth century was such as to make it particularly sensitive to the magnetism which streamed to it from Paris. The loyalty of everybody both in politics and religion had been put out of joint. A generation of materialists, by the natural rebound which inevitably follows over-tension, was to balance the ultra-spiritualism of the Puritans. As always when a political revolution has been wrought by moral agencies, the plunder had fallen mainly to the share of the greedy, selfish, and unscrupulous, whose disgusting cant had given a taint of hypocrisy to piety itself. Religion, from a burning conviction of the soul, had grown to be with both parties a political badge, as little typical of the inward man as the scallop of a pilgrim. Sincerity is impossible, unless it pervade the whole being, and the pretence of it saps the very foundation of character. There seems to have been an universal scepticism, and in its worst form, that is, with an outward conformity in the interest of decorum and order. There was an unbelief that did not believe even in itself.

The difference between the leading minds of the former age and that which was supplanting it went to the very roots of the soul. Milton was willing to peril the success of his crowning work by making the poetry of it a stalking-horse for his theological convictions. What was that Fame

> "Which the clear spirit doth raise
> To scorn delights and live laborious days,"

to the crown of a good preacher who sets

> "The hearts of men on fire
> To scorn the sordid world and unto heaven aspire"?

Dean Swift, who aspired to the mitre, could write a book whose moral, if it had any, was that one religion was as good as another, since all were political devices, and accepted a cure of souls when it was more than doubtful whether he believed that his fellow-creatures had any souls to be saved, or, if they had, whether they were worth saving. The answer which Pulci's Margutte makes to Morgante, when asked if he believed in Christ or Mahomet, would have expressed well enough the creed of the majority of that generation:

> "To tell thee truly,
> My faith in black 's no greater than in azure,
> But I believe in capons, roast-meat, bouilli,
> And in good wine my faith 's beyond all measure." *

It was a carnival of intellect without faith, when men could be Protestant or Catholic, both at once, or by turns, or neither, as suited their interest, when they could swear one allegiance and keep on safe terms with the other, when prime ministers and commanders-in-chief could be intelligencers of the Pretender, nay, when even Algernon Sidney himself could be a pensioner of France. What morality there was was the morality of appearances, of the side that is turned toward men and not toward God. The very shamelessness of Congreve is refreshing in that age of sham.

It was impossible that anything truly great, that is, great on the moral and emotional as well as the intellectual side, should be produced by such a generation. But something intellectually great could be and was. The French mind, always stronger in perceptive and analytic than in imaginative qualities, loving precision, grace, and finesse, prone to attribute an almost magical power to the scientific regulation whether of politics or religion, had brought wit and fancy and the elegant arts of society to as great perfection as was possible by the *a priori* method. Its ideal in literature was to conjure passion within the magic circle of courtliness, or to combine the appearance of careless ease and gayety of thought with intellectual exactness of statement. The eternal watchfulness of a wit that never slept had made it distrustful of the natural emotions and the unconventional expression of them, and its

* Morgante, xviii. 115.

first question about a sentiment was, Will it be *safe?* about a phrase, Will it pass with the Academy? The effect of its example on English literature would appear chiefly in neatness and facility of turn, in point and epigrammatic compactness of phrase, and these in conveying conventional sentiments and emotions, in appealing to good society rather than to human nature. Its influence would be greatest where its success had been most marked, in what was called moral poetry, whose chosen province was manners, and in which satire, with its avenging scourge, took the place of that profounder art whose office it was to purify, not the manners, but the source of them in the soul, by pity and terror. The mistake of the whole school of French criticism, it seems to me, lay in its tendency to confound what was common with what was vulgar, in a too exclusive deference to authority at the expense of all free movement of the mind.

There are certain defects of taste which correct themselves by their own extravagance. Language, I suspect, is more apt to be reformed by the charm of some master of it, like Milton, than by any amount of precept. The influence of second-rate writers for evil is at best ephemeral, for true style, the joint result of culture and natural aptitude, is always in fashion, as fine manners always are, in whatever clothes. Perhaps some reform was needed when Quarles, who had no mean gift of poesy, could write,

> "My passion has no April in her eyes:
> I cannot spend in mists; I cannot mizzle;
> My fluent brains are too severe to drizzle
> Slight drops." *

Good taste is an excellent thing when it confines itself to its own rightful province of the proprieties, but when it attempts to correct those profound instincts out of whose judgments the higher principles of æsthetics have been formulated, its

* Elegie on Doctor Wilson. But if Quarles had been led astray by the vices of Donne's manner, he had good company in Herbert and Vaughan. In common with them, too, he had that luck of simpleness which is even more delightful than wit. In the same poem he says, —

> "Go, glorious soul, and lay thy temples down
> In Abram's bosom, *in the sacred down*
> *Of soft eternity.*'

success is a disaster. During the era when the French theory of poetry was supreme, we notice a decline from imagination to fancy, from passion to wit, from metaphor which fuses image and thought in one, to simile which sets one beside the other, from the supreme code of the natural sympathies to the parochial by-laws of etiquette. The imagination instinctively Platonizes, and it is the essence of poetry that it should be unconventional, that the soul of it should subordinate the outward parts; while the artificial method proceeds from a principle the reverse of this, making the spirit lackey the form.

Waller preaches up this new doctrine in the epilogue to the "Maid's Tragedy": —

> "Nor is 't less strange such mighty wits as those
> Should use a style in tragedy like prose;
> Well-sounding verse, where princes tread the stage,
> Should speak their virtue and describe their rage."

That it should be beneath the dignity of princes to speak in anything but rhyme can only be paralleled by Mr. Puff's law that a heroine can go decorously mad only in white satin. Waller, I suppose, though with so loose a thinker one cannot be positive, uses "describe" in its Latin sense of limitation. Fancy Othello or Lear confined to this go-cart! Phillips touches the true point when he says, "And the truth is, the use of measure alone, without any rime at all, would give more scope and liberty both to style and fancy than can possibly be observed in rime."* But let us test Waller's method by an example or two. His monarch made *reasonable*, thus discourses: —

> "Courage our greatest failings does supply,
> And makes all good, or handsomely we die.
> Life is a thing of common use; by heaven
> As well to insects as to monarchs given;
> But for the crown, 't is a more sacred thing;
> I 'll dying lose it, or I 'll live a king.
> Come, Diphilus, we must together walk
> And of a matter of importance talk." [*Exeunt.*

Blank verse, where the sentiment is trivial as here, merely removes prose to a proper ideal distance, where it is in keeping

* Preface to the *Theatrum.*

with more impassioned parts, but commonplace set to this rocking-horse jog irritates the nerves. There is nothing here to remind us of the older tragic style, but the *exeunt* at the close. Its pithy conciseness and the relief which it brings us from his majesty's prosing give it an almost poetical savor. Aspatia's reflections upon suicide (or "suppressing our breath," as she calls it), in the same play, will make few readers regret that Shakespeare was left to his own unassisted barbarism when he wrote Hamlet's soliloquy on the same topic: —

> "'T was in compassion of our woe
> That nature first made poisons grow,
> For hopeless wretches such as I
> Kindly providing means to die:
> As mothers do their children keep,
> So Nature feeds and makes us sleep.
> The indisposed she does invite
> To go to bed before 't is night."

Correctness in this case is but a synonyme of monotony, and words are chosen for the number of their syllables, for their rubbishy value to fill-in, instead of being forced upon the poet by the meaning which occupies the mind. Language becomes useful for its diluting properties, rather than as the medium by means of which the thought or fancy precipitate themselves in crystals upon a connecting thread of purpose. Let us read a few verses from Beaumont and Fletcher, that we may feel fully the difference between the rude and the reformed styles. This also shall be a speech of Aspatia's. Antiphila, one of her maidens, is working the story of Theseus and Ariadne in tapestry, for the older masters loved a picturesque background and knew the value of fanciful accessaries. Aspatia thinks the face of Ariadne not sad enough: —

> "Do it by me,
> Do it again by me, the lost Aspatia,
> And you shall find all true but the wild island.
> Suppose I stand upon the seabeach now,
> Mine arms thus, and my hair blown with the wind,
> Wild as that desert; and let all about me
> Be teachers of my story. Do my face
> (If ever thou hadst feeling of a sorrow)
> Thus, thus, Antiphila; strive to make me look
> Like sorrow's monument; and the trees about me

> Let them be dry and leafless; let the rocks
> Groan with continual surges; and behind me
> Make all a desolation."

What instinctive felicity of versification! what sobbing breaks and passionate repetitions are here!

We see what the direction of the new tendency was, but it would be an inadequate or a dishonest criticism that should hold Pope responsible for the narrow compass of the instrument which was his legacy from his immediate predecessors, any more than for the wearisome thrumming-over of his tune by those who came after him and who had caught his technical skill without his genius. The question properly stated is, How much was it possible to make of the material supplied by the age in which he lived? and how much did he make of it? Thus far, among the great English poets who preceded him, we have seen actual life represented by Chaucer, imaginative life by Spenser, ideal life by Shakespeare, the interior life by Milton. But as everything aspires to a rhythmical utterance of itself, so conventional life, itself a new phenomenon, was waiting for its poet. It found or made a most fitting one in Pope. He stands for exactness of intellectual expression, for perfect propriety of phrase (I speak of him at his best), and is a striking instance how much success and permanence of reputation depend on conscientious finish as well as on native endowment. Butler asks, —

> "Then why should those who pick and choose
> The best of all the best compose,
> And join it by Mosaic art,
> In graceful order, part to part,
> To make the whole in beauty suit,
> Not merit as complete repute
> As those who, with less art and pain,
> Can do it with their native brain?"

Butler knew very well that precisely what stamps a man as an artist is this power of finding out what *is* "the best of all the best."

I confess that I come to the treatment of Pope with diffidence. I was brought up in the old superstition that he was the greatest poet that ever lived; and when I came to find that I had instincts of my own, and my mind was brought in con-

tact with the apostles of a more esoteric doctrine of poetry, I felt that ardent desire for smashing the idols I had been brought up to worship, without any regard to their artistic beauty, which characterizes youthful zeal. What was it to me that Pope was called a master of style? I felt, as Addison says in his Freeholder when answering an argument in favor of the Pretender because he could speak English and George I. could not, "that I did not wish to be tyrannized over in the best English that ever was spoken." The young demand thoughts that find an echo in their real and not their acquired nature, and care very little about the dress they are put in. It is later that we learn to like the conventional, as we do olives. There was a time when I could not read Pope, but disliked him on principle as old Roger Ascham seems to have felt about Italy when he says, "I was once in Italy myself, but I thank God my abode there was only nine days."

But Pope fills a very important place in the history of English poetry, and must be studied by every one who would come to a clear knowledge of it. I have since read over every line that Pope ever wrote, and every letter written by or to him, and that more than once. If I have not come to the conclusion that he is the greatest of poets, I believe that I am at least in a condition to allow him every merit that is fairly his. I have said that Pope as a literary man represents precision and grace of expression; but as a poet he represents something more,—nothing less, namely, than one of those eternal controversies of taste which will last as long as the imagination and understanding divide men between them. It is not a matter to be settled by any amount of argument or demonstration. There are born Popists or Wordsworthians, Lockists or Kantists, and there is nothing more to be said of the matter.

Wordsworth was not in a condition to do Pope justice. A man brought up in sublime mountain solitudes, and whose nature was a solitude more vast than they, walking an earth which quivered with the throe of the French Revolution, the child of an era of profound mental and moral movement, it could not be expected that he should be in sympathy with the poet of artificial life. Moreover, he was the apostle of imagination, and came at a time when the school which Pope founded had

degenerated into a mob of mannerists who wrote with ease, and who with their congenial critics united at once to decry poetry which brought in the dangerous innovation of having a soul in it.

But however it may be with poets, it is very certain that a reader is happiest whose mind is broad enough to enjoy the natural school for its nature, and the artificial for its artificiality, provided they be only good of their kind. At any rate, we must allow that the man who can produce one perfect work is either a great genius or a very lucky one; and so far as we who read are concerned, it is of secondary importance which. And Pope has done this in the "Rape of the Lock." For wit, fancy, invention, and keeping, it has never been surpassed. I do not say there is in it poetry of the highest order, or that Pope is a poet whom any one would choose as the companion of his best hours. There is no inspiration in it, no trumpet-call, but for pure entertainment it is unmatched. There are two kinds of genius. The first and highest may be said to speak out of the eternal to the present, and must compel its age to understand *it;* the second understands its age, and tells it what it wishes to be told. Let us find strength and inspiration in the one, amusement and instruction in the other, and be honestly thankful for both.

The very earliest of Pope's productions give indications of that sense and discretion, as well as wit, which afterward so eminently distinguished him. The facility of expression is remarkable, and we find also that perfect balance of metre, which he afterward carried so far as to be wearisome. His pastorals were written in his sixteenth year, and their publication immediately brought him into notice. The following four verses from his first pastoral are quite characteristic in their antithetic balance: —

> "You that, too wise for pride, too good for power,
> Enjoy the glory to be great no more,
> And carrying with you all the world can boast,
> To all the world illustriously are lost!"

The sentiment is affected, and reminds one of that future period of Pope's Correspondence with his Friends, when Swift, his heart corroding with disappointed ambition at Dublin,

Bolingbroke raising delusive turnips at his farm, and Pope pretending not to feel the lampoons which imbittered his life, played together the solemn farce of affecting indifference to the world by which it would have agonized them to be forgotten, and wrote letters addressed to each other, but really intended for that posterity whose opinion they assumed to despise.

In these pastorals there is an entire want of nature. For example in that on the death of Mrs. Tempest: —

> "Her fate is whispered by the gentle breeze
> And told in sighs to all the trembling trees;
> The trembling trees, in every plain and wood,
> Her fate remurmur to the silver flood;
> The silver flood, so lately calm, appears
> Swelled with new passion, and o'erflows with tears;
> The winds and trees and floods her death deplore
> Daphne, our grief! our glory now no more!"

All this is as perfectly professional as the mourning of an undertaker. Still worse, Pope materializes and makes too palpably objective that sympathy which our grief forces upon outward nature. Milton, before making the echoes mourn for Lycidas, puts our feelings in tune, as it were, and hints at his own imagination as the source of this emotion in inanimate things, —

> "But, O the heavy change now thou art gone!"

In "Windsor Forest" we find the same thing again: —

> "Here his first lays majestic Denham sung,
> There the last numbers flowed from Cowley's tongue;
> O early lost, what tears the river shed
> When the sad pomp along his banks was led!
> His drooping swans on every note expire,
> And on his willows hung each muse's lyre!"

In the same poem he indulges the absurd conceit that,

> "Beasts urged by us, their fellow-beasts pursue,
> And learn of man each other to undo";

and in the succeeding verses gives some striking instances of that artificial diction, so inappropriate to poems descriptive of natural objects and ordinary life, which brought verse-making to such a depth of absurdity in the course of the century.

> "With slaughtering guns, the unwearied fowler roves
> Where frosts have whitened all the naked groves;
> Where doves in flocks the leafless trees o'ershade,

> And lonely woodcocks haunt the watery glade;
> He lifts the tube and levels with his eye,
> Straight a short thunder breaks the frozen sky:
> Oft as in airy rings they skim the heath,
> The clamorous lapwings feel the leaden death;
> Oft as the mounting larks their notes prepare,
> They fall and leave their little lives in air."

Now one would imagine that the *tube* of the fowler was a telescope instead of a gun. And think of the larks preparing their notes like a country choir! Yet even here there are admirable lines,—

> "Oft as in airy rings they skim the heath,"
> "They fall and leave their little lives in air,"

for example.

In Pope's next poem, the "Essay on Criticism," the wit and poet become apparent. It is full of clear thoughts, compactly expressed. In this poem, written when Pope was only twenty-one, occur some of those lines which have become proverbial; such as

> "A little learning is a dangerous thing";
> "For fools rush in where angels fear to tread";
> "True wit is Nature to advantage dressed,
> What oft was thought, but ne'er so well expressed";
> "For each ill author is as bad a friend."

In all of these we notice that terseness in which (regard being had to his especial range of thought) Pope has never been equalled. One cannot help being struck also with the singular *discretion* which the poem gives evidence of. I do not know where to look for another author in whom it appeared so early, and, considering the vivacity of his mind and the constantly besetting temptation of his wit, it is still more wonderful. In his boyish correspondence with poor old Wycherley, one would suppose him to be the man and Wycherley the youth. Pope's understanding was no less vigorous (when not the dupe of his nerves) than his fancy was lightsome and sprightly.

I come now to what in itself would be enough to have immortalized him as a poet, the "Rape of the Lock," in which, indeed, he appears more purely as poet than in any other of his productions. Elsewhere he has shown more force, more wit, more reach of thought, but nowhere such a truly artistic com-

bination of elegance and fancy. His genius has here found its true direction, and the very same artificiality, which in his pastorals was unpleasing, heightens the effect, and adds to the general keeping. As truly as Shakespeare is the poet of man, as God made him, dealing with great passions and innate motives, so truly is Pope the poet of society, the delineator of manners, the exposer of those motives which may be called *acquired*, whose spring is in institutions and habits of purely worldly origin.

The "Rape of the Lock" was written in Pope's twenty-fourth year, and the machinery of the Sylphs was added at the suggestion of Dr. Garth, — a circumstance for which we can feel a more unmixed gratitude to him than for writing the "Dispensary." The idea was taken from that entertaining book "The Count de Gabalis," in which Fouquè afterward found the hint for his "Undine"; but the little sprites as they appear in the poem are purely the creation of Pope's fancy.

The theory of the poem is excellent. The heroic is out of the question in fine society. It is perfectly true that almost every door we pass in the street closes upon its private tragedy, but the moment a *great* passion enters a man he passes at once out of the artificial into the human. So long as he continues artificial, the sublime is a conscious absurdity to him. The mock-heroic then is the only way in which the petty actions and sufferings of the fine world can be epically treated, and the contrast continually suggested with subjects of larger scope and more dignified treatment, makes no small part of the pleasure and sharpens the point of the wit. The invocation is admirable: —

> "Say, what strange motive, Goddess, could compel,
> A well-bred lord to assault a gentle belle?
> O say what stranger cause, yet unexplored,
> Could make a gentle belle reject a lord?"

The keynote of the poem is here struck, and we are able to put ourselves in tune with it. It is not a parody of the heroic style, but only a setting it in satirical juxtaposition with cares and events and modes of thought with which it is in comical antipathy, and while *it* is not degraded, *they* are shown in their triviality. The "clouded cane," as compared with the Homeric spear, indicates the difference of scale, the lower plane of emotions and passions. The opening of the action, too, is equally good: —

"Sol through white curtains shot a timorous ray,
And oped those eyes that must eclipse the day,
Now lapdogs give themselves the rousing shake,
And sleepless lovers just at twelve awake;
Thrice rung the bell, the slipper knocked the ground,
And the pressed watch returned a silver sound."

The mythology of the Sylphs is full of the most fanciful wit; indeed, wit infused with fancy is Pope's peculiar merit. The Sylph is addressing Belinda: —

"Know, then, unnumbered spirits round thee fly,
The light militia of the lower sky;
These, though unseen, are ever on the wing,
Hang o'er the box and hover round the ring.
As now your own our beings were of old,
And once enclosed in woman's beauteous mould;
Think not, when woman's transient breath is fled,
That all her vanities at once are dead;
Succeeding vanities she still regards,
And, though she plays no more, o'erlooks the cards.
For when the fair in all their pride expire,
To their first elements their souls retire;
The sprites of fiery termagants in flame
Mount up and take a salamander's name;
Soft yielding nymphs to water glide away
And sip, with nymphs, their elemental tea;
The graver prude sinks downward to a gnome,
In search of mischief still on earth to roam;
The light coquettes in sylphs aloft repair
And sport and flutter in the fields of air."

And the contrivance by which Belinda is awakened is also perfectly in keeping with all the rest of the machinery: —

"He said: when Shock, who thought she slept too long,
Leaped up and waked his mistress with his tongue;
'T was then, Belinda, if report say true,
Thy eyes first opened on a *billet-doux*."

Throughout this poem the satiric wit of Pope peeps out in the pleasantest little smiling ways, as where, in describing the toilet-table, he says: —

"Here files of pins extend their shining rows,
Puffs, powders, patches, Bibles, *billet-doux*."

Or when, after the fatal lock has been severed,

"Then flashed the living lightning from her eyes,
And screams of horror rend the affrighted skies,

Not louder shrieks to pitying Heaven are cast
When husbands or when lapdogs breathe their last;
Or when rich china-vessels, fallen from high,
In glittering dust and painted fragments lie!"

And so, when the conflict begins: —

"Now Jove suspends his golden scales in air;
Weighs the men's wits against the ladies' hair;
The doubtful beam long nods from side to side;
At length the wits mount up, the hairs subside."

But more than the wit and fancy, I think, the perfect keeping of the poem deserves admiration. Except a touch of grossness, here and there, there is the most pleasing harmony in all the conceptions and images. The punishments which he assigns to the sylphs who neglect their duty are charmingly appropriate and ingenious: —

"Whatever spirit, careless of his charge,
His post neglects, or leaves the fair at large,
Shall feel sharp vengeance soon o'ertake his sins;
Be stopped in vials or transfixed with pins,
Or plunged in lakes of bitter washes lie,
Or wedged whole ages in a bodkin's eye;
Gums and pomatums shall his flight restrain,
While clogged he beats his silver wings in vain;
Or alum styptics with contracting power,
Shrink his thin essence like a rivelled flower;
Or as Ixion fixed the wretch shall feel
The giddy motion of the whirling wheel,
In fumes of burning chocolate shall glow,
And tremble at the sea that froths below!"

The speech of Thalestris, too, with its droll climax, is equally good: —

"Methinks already I your tears survey,
Already hear the horrid things they say,
Already see you a degraded toast,
And all your honor in a whisper lost!
How shall I then your helpless fame defend?
'T will then be infamy to seem your friend!
And shall this prize, the inestimable prize,
Exposed through crystal to the gazing eyes,
And heightened by the diamond's circling rays,
On that rapacious hand forever blaze?
Sooner shall grass in Hydepark Circus grow,
And wits take lodging in the sound of Bow,

Sooner let earth, air, sea, in chaos fall,
Men, monkeys, lapdogs, parrots, perish all!"

So also Belinda's account of the morning omens: —

"'T was this the morning omens seemed to tell;
Thrice from my trembling hand the patch-box fell;
The tottering china shook without a wind;
Nay, Poll sat mute, and Shock was most unkind."

The idea of the goddess of Spleen, and of her palace, where

"The dreaded East is all the wind that blows,"

was a very happy one. In short, the whole poem more truly deserves the name of a creation than anything Pope ever wrote. The action is confined to a world of his own, the supernatural agency is wholly of his own contrivance, and nothing is allowed to overstep the limitations of the subject. It ranks by itself as one of the purest works of human fancy; whether that fancy be strictly poetical or not is another matter. If we compare it with the "Midsummer-night's Dream," an uncomfortable doubt is suggested. The perfection of form in the "Rape of the Lock" is to me conclusive evidence that in it the natural genius of Pope found fuller and freer expression than in any other of his poems. The others are aggregates of brilliant passages rather than harmonious wholes.

It is a droll illustration of the inconsistencies of human nature, a more profound satire than Pope himself ever wrote, that his fame should chiefly rest upon the "Essay on Man." It has been praised and admired by men of the most opposite beliefs, and men of no belief at all. Bishops and free-thinkers have met here on a common ground of sympathetic approval. And, indeed, there is no particular faith in it. It is a droll medley of inconsistent opinions. It proves only two things beyond a question, — that Pope was not a great thinker; and that wherever he found a thought, no matter what, he could express it so tersely, so clearly, and with such smoothness of versification as to give it an everlasting currency. Hobbes's unwieldy Leviathan, left stranded there on the shore of the last age, and nauseous with the stench of its selfishness, — from this Pope distilled a fragrant oil with which to fill the brilliant lamps of his philosophy, — lamps like those in the tombs of alchemists, that go out the moment the healthy air is let in

upon them. The only positive doctrines in the poem are the selfishness of Hobbes set to music, and the Pantheism of Spinoza brought down from mysticism to commonplace. Nothing can be more absurd than many of the dogmas taught in this "Essay on Man." For example, Pope affirms explicitly that instinct is something better than reason: —

> "See him from Nature rising slow to art,
> To copy instinct then was reason's part;
> Thus, then, to man the voice of nature spake; —
> Go, from the creatures thy instructions take;
> Learn from the beasts what food the thickets yield;
> Learn from the birds the physic of the field;
> The arts of building from the bee receive;
> Learn of the mole to plough, the worm to weave;
> Learn of the little nautilus to sail,
> Spread the thin oar, or catch the driving gale."

I say nothing of the quiet way in which the general term "nature" is substituted for God, but how unutterably void of reasonableness is the theory that Nature would have left her highest product, man, destitute of that instinct with which she had endowed her other creatures! As if reason were not the most sublimated form of instinct. The accuracy on which Pope prided himself, and for which he is commended, was not accuracy of thought so much as of expression. And he cannot always even claim this merit, but only that of correct rhyme, as in one of the passages I have already quoted from the "Rape of the Lock" he talks of *casting* shrieks to heaven, — a performance of some difficulty, except when *cast* is needed to rhyme with *last*.

But the supposition is that in the "Essay on Man" Pope did not himself know what he was writing. He was only the condenser and epigrammatizer of Bolingbroke, — a very fitting St. John for such a gospel. Or, if he *did* know, we can account for the contradictions by supposing that he threw in some of the commonplace moralities to conceal his real drift. Johnson asserts that Bolingbroke in private laughed at Pope's having been made the mouthpiece of opinions which he did not hold. But this is hardly probable when we consider the relations between them. It is giving Pope altogether too little credit for intelligence to suppose that he did not understand the principles of his intimate friend. The caution with which

he at first concealed the authorship would argue that he had doubts as to the reception of the poem. When it was attacked on the score of infidelity, he gladly accepted Warburton's championship, and assumed whatever pious interpretation he contrived to thrust upon it. The beginning of the poem is familiar to everybody: —

> "Awake, my St. John, leave all meaner things
> To low ambition and the pride of kings;
> Let us (since life can little more supply
> Than just to look about us and to die)
> Expatiate free o'er all this scene of man,
> A mighty maze, — but not without a plan";

To expatiate *o'er* a mighty maze is rather loose writing; but the last verse, as it stood in the original editions, was,

> "A mighty maze of walks without a plan";

and perhaps this came nearer Pope's real opinion than the verse he substituted for it. Warburton is careful not to mention *this* variation in his notes. The poem is everywhere as remarkable for its confusion of logic as it often is for ease of verse and grace of expression. An instance of both occurs in a passage frequently quoted: —

> "Heaven from all creatures hides the book of fate;
> All but the page prescribed, their present state;
> From brutes what men, from men what spirits know,
> Or who would suffer being here below?
> The lamb thy riot dooms to bleed to-day,
> Had he thy reason, would he skip and play?
> Pleased to the last, he crops the flowery food,
> And licks the hand just raised to shed his blood.
> O, blindness to the future kindly given
> That each may fill the circle meant by heaven!
> Who sees with equal eye, as God of all,
> A hero perish or a sparrow fall,
> Atoms or systems into ruin hurled,
> And now a bubble burst, and now a world!"

Now, if "heaven from all creatures hides the book of fate," why should not the lamb "skip and play," if he had the reason of man? Why, because he would then be able to read the book of fate. But if man himself cannot, why, then, could the lamb with the reason of man? For, if the lamb had the reason of man, the book of fate would still be hidden, so far as himself

was concerned. If the inferences we can draw from appearances are equivalent to a knowledge of destiny, the knowing enough to take an umbrella in cloudy weather might be called so. There is a manifest confusion between what we know about ourselves and about other people; the whole point of the passage being that we are always mercifully blinded to *our own* future, however much reason we may possess. There is also inaccuracy as well as inelegance in saying,

> "Heaven,
> *Who* sees with equal eye, as God of all,
> A hero perish or a sparrow fall."

To the last verse Warburton, desirous of reconciling his author with Scripture, appends a note referring to Matthew x. 29: "Are not two sparrows sold for one farthing? and one of them shall not fall to the ground without your Father." It would not have been safe to have referred to the thirty-first verse: "Fear ye not, therefore, *ye are of more value* than many sparrows."

To my feeling, one of the most beautiful passages in the whole poem is that familiar one: —

> "Lo, the poor Indian whose untutored mind
> Sees God in clouds, or hears him in the wind,
> His soul proud science never taught to stray
> Far as the solar walk or milky way;
> Yet simple Nature to his hope has given
> Behind the cloud-topt hill a humbler heaven;
> Some safer world in depth of woods embraced,
> Some happier island in the watery waste,
> Where slaves once more their native land behold,
> No fiends torment, no Christians thirst for gold.
> To *be* contents his natural desire,
> He asks no angel's wing, no seraph's fire,
> But thinks, admitted to that equal sky,
> His faithful dog shall bear him company."

But this comes in as a corollary to what went just before: —

> "Hope springs eternal in the human breast,
> Man never is but always to be blest;
> The soul, uneasy, and confined from home,
> Rests and expatiates in a life to come."

Then follows immediately the passage about the poor Indian, who, after all, it seems, is contented with merely *being*, and whose soul, therefore, is an exception to the general rule.

And what have the "solar walk" (as he calls it) and "milky way" to do with the affair? Does our hope of heaven depend on our knowledge of astronomy? Or does he mean that science and faith are necessarily hostile? And, after being told that it is the "untutored mind" of the savage which "sees God in clouds and hears him in the wind," we are rather surprised to find that the lesson the poet intends to teach is that

> "All are but parts of one stupendous whole,
> Whose body Nature is, and God the soul.
> That, changed through all, and yet in all the same,
> Great in the earth, as in the ethereal frame,
> Warms in the sun, refreshes in the breeze,
> Glows in the stars, and blossoms in the trees."

So that we are no better off than the untutored Indian, after the poet has tutored us. Dr. Warburton makes a rather lame attempt to ward off the charge of Spinozism from this last passage. He would have found it harder to show that the acknowledgment of any divine revelation would not overturn the greater part of its teachings. If Pope intended by his poem all that the bishop takes for granted in his commentary, we must deny him what is usually claimed as his first merit, — clearness. If he did *not*, we grant him clearness as a writer at the expense of sincerity as a man. Perhaps a more charitable solution of the difficulty would be, that Pope's precision of thought was no match for the fluency of his verse.

Lord Byron goes so far as to say, in speaking of Pope, that he who executes the best, no matter what his department, will rank the highest. I think there are enough indications in these letters of Byron's, however, that they were written rather more against Wordsworth than for Pope. The rule he lays down would make Voltaire a greater poet, in some respects, than Shakespeare. Byron cites Petrarch as an example; yet if Petrarch had put nothing more into his sonnets than *execution*, there are plenty of Italian sonneteers who would be his match. But, in point of fact, the department chooses the man and not the man the department, and it has a great deal to do with our estimate of him. Is the department of Milton no higher than that of Butler? Byron took especial care not to write in the style he commended. But I think Pope has received quite as much credit in respect even of execution as he deserves. Surely

execution is not confined to versification alone. What can be worse than this?

> "At length Erasmus, that great, injured name,
> (The glory of the priesthood and the shame,)
> Stemmed the wild torrent of a barbarous age,
> And drove those holy vandals off the stage."

It would have been hard for Pope to have found a prettier piece of confusion in any of the small authors he laughed at than this image of a great, injured name stemming a torrent and driving vandals off the stage. And in the following verses the image is helplessly confused: —

> "Kind self-conceit to some her glass applies,
> Which no one looks in with another's eyes,
> But, as the flatterer or dependent paint,
> Beholds himself a patriot, chief, or saint."

The use of the word "applies" is perfectly un-English; and it seems that people who look in this remarkable glass see their pictures and not their reflections. Often, also, when Pope attempts the sublime, his epithets become curiously unpoetical, as where he says, in the Dunciad,

> "As, one by one, at dread Medea's strain,
> The sickening stars fade off *the ethereal plain.*"

And not seldom he is satisfied with the music of the verse without much regard to fitness of imagery; in the "Essay on Man," for example: —

> "Passions, like elements, though born to fight,
> Yet, mixed and softened, in his work unite;
> These 't is enough to temper and employ;
> But what composes man can man destroy?
> Suffice that Reason keep to Nature's road,
> Subject, compound them, follow her and God.
> Love, Hope, and Joy, fair Pleasure's smiling train,
> Hate, Fear, and Grief, the family of Pain,
> These, mixed with Art, and to due bounds confined,
> Make and maintain the balance of the mind."

Here reason is represented as an apothecary compounding pills of "pleasure's smiling train" and the "family of pain." And in the Moral Essays,

> "Know God and Nature only are the same;
> In man the judgment shoots at flying game,
> A bird of passage, gone as soon as found,
> Now in the moon, perhaps, now under ground."

The "judgment shooting at flying game" is an odd image enough; but I think a bird of passage, now in the moon and now under ground, could be found nowhere — out of Goldsmith's Natural History, perhaps. An epigrammatic expression will also tempt him into saying something without basis in truth, as where he ranks together "Macedonia's madman and the Swede," and says that neither of them "looked forward farther than his nose," a slang phrase which may apply well enough to Charles XII., but certainly not to the pupil of Aristotle, who showed himself capable of a large political forethought. So, too, the rhyme, if correct, is a sufficient apology for want of propriety in phrase, as where he makes "Socrates *bleed*."

But it is in his Moral Essays and parts of his Satires that Pope deserves the praise which he himself desired: —

> "Happily to steer
> From grave to gay, from lively to severe,
> Correct with spirit, eloquent with ease,
> Intent to reason, or polite to please."

Here Pope must be allowed to have established a style of his own, in which he is without a rival. One can open upon wit and epigram at any page.

> "Behold, if Fortune or a mistress frowns,
> Some plunge in business, others shave their crowns;
> To ease the soul of one oppressive weight,
> This quits an empire, that embroils a state;
> The same adust complexion has impelled,
> Charles to the convent, Philip to the field."

Indeed, I think one gets a little tired of the invariable *this* set off by the inevitable *that*, and wishes antithesis would let him have a little quiet now and then. In the first couplet, too, the conditional "frown" would have been more elegant. But taken as detached passages, how admirably the different characters are drawn, so admirably that half the verses have become proverbial. This of Addison will bear reading again: —

> "Peace to all such; but were there one whose fires
> True genius kindles and fair fame inspires;
> Blest with each talent and each art to please,
> And born to write, converse, and live with ease;
> Should such a man, too fond to rule alone,
> Bear like the Turk no brother near the throne,

View him with scornful yet with jealous eyes,
And hate for arts that caused himself to rise,
Damn with faint praise, assent with civil leer,
And, without sneering, teach the rest to sneer;
Willing to wound and yet afraid to strike,
Just hint a fault and hesitate dislike,
Alike reserved to blame or to commend,
A timorous foe and a suspicious friend;
Dreading e'en fools, by flatterers besieged,
And *so* obliging that he ne'er obliged;
Like Cato give his little Senate laws,
And sit attentive to his own applause,
While wits and templars every sentence raise,
And wonder with a foolish face of praise; —
Who but must laugh if such a man there be?
Who would not weep if Atticus were he?"

With the exception of the somewhat technical image in the second verse of Fame blowing the fire of genius, which too much puts us in mind of the frontispieces of the day, surely nothing better of its kind was ever written. How applicable it was to Addison I shall consider in another place. As an accurate intellectual observer and describer of personal weaknesses, Pope stands by himself in English verse.

In his epistle on the characters of women, no one who has ever known a noble woman, nay, I should almost say no one who ever had a mother or sister, will find much to please him. The climax of his praise rather degrades than elevates.

"O, blest in temper, whose unclouded ray
Can make to-morrow cheerful as to-day,
She who can love a sister's charms, or hear
Sighs for a daughter with unwounded ear,
She who ne'er answers till a husband cools,
Or, if she rules him, never shows she rules,
Charms by accepting, by submitting sways,
Yet has her humor most when she obeys;
Lets fops or fortune fly which way they will,
Disdains all loss of tickets or codille,
Spleen, vapors, or smallpox, above them all
And mistress of herself, though china fall."

The last line is very witty and pointed, — but consider what an ideal of womanly nobleness he must have had, who praises his heroine for not being jealous of her daughter. Addison,

in commending Pope's "Essay on Criticism," says, speaking of us "who live in the latter ages of the world": "We have little else to do left us but to represent the *common sense* of mankind, in more strong, more beautiful, or more uncommon lights." I think he has here touched exactly the point of Pope's merit, and, in doing so, tacitly excludes him from the position of poet, in the highest sense. Take two of Jeremy Taylor's prose sentences about the Countess of Carbery, the lady in Milton's "Comus": "The religion of this excellent lady was of another constitution: it took root downward in humility, and brought forth fruit upward in the substantial graces of a Christian, in charity and justice, in chastity and modesty, in fair friendships and sweetness of society. . . . And though she had the greatest judgment, and the greatest experience of things and persons I ever yet knew in a person of her youth and sex and circumstances, yet, as if she knew nothing of it, she had the meanest opinion of herself, and like a fair taper, when she shined to all the room, yet round about her station she had cast a shadow and a cloud, and she shined to everybody but herself." *This* is poetry, though not in verse. The plays of the elder dramatists are not without examples of weak and vile women, but they are not without noble ones either. Take these verses of Chapman, for example: —

> "Let no man value at a little price
> A virtuous woman's counsel: her winged spirit
> Is feathered oftentimes with noble words
> And, like her beauty, ravishing and pure;
> The weaker body, still the stronger soul.
> O, what a treasure is a virtuous wife,
> Discreet and loving. Not one gift on earth
> Makes a man's life so nighly bound to heaven.
> She gives him double forces to endure
> And to enjoy, being one with him,
> Feeling his joys and griefs with equal sense:
> If he fetch sighs, she draws her breath as short;
> If he lament, she melts herself in tears;
> If he be glad, she triumphs; if he stir,
> She moves his way, in all things his sweet ape,
> Himself divinely varied without change.
> All store without her leaves a man but poor,
> And with her poverty is exceeding store."

Pope in the character I have read was drawing his ideal woman, for he says at the end that she shall be his muse. The sentiments are those of a *bourgeois* and of the back parlor, more than of the poet and the muse's bower. A man's mind is known by the company it keeps.

Now it is very possible that the women of Pope's time were as bad as they could be ; but if God made poets for anything, it was to keep alive the traditions of the pure, the holy, and the beautiful. I grant the influence of the age, but there is a sense in which the poet is of no age, and Beauty, driven from every other home, will never be an outcast and a wanderer, while there is a poet's nature left, will never fail of the tribute at least of a song. It seems to me that Pope had a sense of the neat rather than of the beautiful. His nature delighted more in detecting the blemish than in enjoying the charm.

However great his merit in expression, I think it impossible that a true poet could have written such a satire as the Dunciad, which is even nastier than it is witty. It is filthy even in a filthy age, and Swift himself could not have gone beyond some parts of it. One's mind needs to be sprinkled with some disinfecting fluid after reading it. I do not remember that any other poet ever made poverty a crime. And it is wholly without discrimination. De Foe is set in the pillory forever ; and George Wither, the author of that charming poem, " Fair Virtue," classed among the dunces. And was it not in this age that loose Dick Steele paid his wife the finest compliment ever paid to woman, when he said " that to know her was a liberal education " ?

Even in the " Rape of the Lock," the fancy is that of a wit rather than of a poet. It might not be just to compare his Sylphs with the Fairies of Shakespeare ; but contrast the kind of fancy shown in the poem with that of Drayton's Nymphidia, for example. I will give one stanza of it, describing the palace of the Fairy : —

> " The walls of spider's legs were made,
> Well mortised, and finely laid ;
> (He was the master of his trade
> It curiously that builded :)
> The windows of the eyes of cats,
> And, for the roof, instead of slats

'T is covered with the skins of bats,
With moonshine that are gilded."

In the last line the eye and fancy of a poet are recognized.

Personally we know more about Pope than about any of our poets. He kept no secrets about himself. If he did not let the cat out of the bag, he always contrived to give her tail a wrench so that we might know she was there. In spite of the savageness of his satires, his natural disposition seems to have been an amiable one, and his character as an author was as purely factitious as his style. Dr. Johnson appears to have suspected his sincerity; but artifice more than insincerity lay at the basis of his character. I think that there was very little real malice in him, and that his "evil was wrought from want of thought." When Dennis was old and poor, he wrote a prologue for a play to be acted for his benefit. Except Addison, he numbered among his friends the most illustrious men of his time.

The correspondence of Pope is, on the whole, less interesting than that of any other eminent English poet, except that of Southey, and their letters have the same fault of being labored compositions. Southey's are, on the whole, the more agreeable of the two, for they inspire one (as Pope's certainly do not) with a sincere respect for the character of the writer. Pope's are altogether too full of the proclamation of his own virtues to be pleasant reading. It is plain that they were mostly addressed to the public, perhaps even to posterity. But letters, however carefully drilled to be circumspect, are sure to blab, and those of Pope leave in the reader's mind an unpleasant feeling of circumspection, — of an attempt to look as an eminent literary character should rather than as the man really was. They have the unnatural constraint of a man in full dress sitting for his portrait and endeavoring to look his best. We never catch him, if he can help it, at unawares. Among all Pope's correspondents, Swift shows in the most dignified and, one is tempted to say, the most amiable light. It is creditable to the Dean that the letters which Pope addressed to him are by far the most simple and straightforward of any that he wrote. No sham could encounter those terrible eyes in Dublin without wincing. I think, on the whole, that a revision of judgment would substitute "discomforting consciousness of the public"

for "insincerity" in judging Pope's character by his letters. He could not shake off the habits of the author, and never, or almost never, in prose, acquired that knack of seeming carelessness that makes Walpole's elaborate compositions such agreeable reading. Pope would seem to have kept a common-place-book of phrases proper to this or that occasion; and he transfers a compliment, a fine moral sentiment, nay, even sometimes a burst of passionate ardor, from one correspondent to another, with the most cold-blooded impartiality. Were it not for this curious economy of his, no one could read his letters to Lady Wortley Montague without a conviction that they were written by a lover. Indeed, I think nothing short of the *spretæ injuria formæ* will account for (though it will not excuse) the savage vindictiveness he felt and showed towards her. It may be suspected also that the bitterness of caste added gall to his resentment. His enemy wore that impenetrable armor of superior rank which rendered her indifference to his shafts the more provoking that it was unaffected. Even for us his satire loses its sting when we reflect that it is not in human nature for a woman to have had two such utterly irreconcilable characters as those of Lady Mary before and after her quarrel with the poet. In any view of Pope's conduct in this affair, there is an ill savor in his attempting to degrade a woman whom he had once made sacred with his love. Spenser touches the right chord when he says of the Rosalind who had rejected him,

> "Not, then, to her, that scornéd thing so base,
> But to myself the blame, that lookt so high;
> Yet so much grace let her vouchsafe to grant
> To simple swain, sith her I may not love,
> Yet that I may her honor paravant
> And praise her worth, though far my wit above;
> Such grace shall be some guerdon of the grief
> And long affliction which I have endured."

In his correspondence with Aaron Hill, Pope, pushed to the wall, appears positively mean. He vainly endeavors to show that his personalities had all been written in the interests of literature and morality, and from no selfish motive. But it is hard to believe that Theobald would have been deemed worthy of his disgustful pre-eminence but for the manifest superiority of his edition of Shakespeare, or that Addison would have been

so adroitly disfigured unless through wounded self-love. It is easy to conceive the resentful shame which Pope must have felt when Addison so almost contemptuously disavowed all complicity in his volunteer defence of *Cato* in a brutal assault on Dennis. Pope had done a mean thing to propitiate a man whose critical judgment he dreaded; and the great man, instead of thanking him, had resented his interference as impertinent. In the whole portrait of Atticus one cannot help feeling that Pope's satire is not founded on knowledge, but rather on what his own sensitive suspicion divined of the opinions of one whose expressed preferences in poetry implied a condemnation of the very grounds of the satirist's own popularity. We shall not so easily give up the purest and most dignified figure of that somewhat vulgar generation, who ranks with Sidney and Spenser, as one of the few perfect gentlemen in our literary annals. A man who could command the unswerving loyalty of honest and impulsive Dick Steele could not have been a coward or a backbiter. The only justification alleged by Pope was of the flimsiest kind, namely, that Addison regretted the introduction of the sylphs in the second edition of the "Rape of the Lock," saying that the poem was *merum sal* before. Let any one ask himself how he likes an author's emendations of any poem to which his ear had adapted itself in its former shape, and he will hardly think it needful to charge Addison with any mean motive for his conservatism in this matter. One or two of Pope's letters are so good as to make us regret that he did not oftener don the dressing-gown and slippers in his correspondence. One in particular, to Lord Burlington, describing a journey on horseback to Oxford with Lintot the bookseller, is full of a lightsome humor worthy of Cowper, almost worthy of Gray.

Joseph Warton, in summing up at the end of his essay on the genius and writings of Pope, says that the largest part of his works "is of the *didactic*, *moral*, and *satiric;* and, consequently, not of the most *poetic* species of *poetry;* whence it is manifest that *good sense* and *judgment* were his characteristical excellences rather than *fancy* and *invention*." It is plain that in any strict definition there can be only one kind of poetry, and that what Warton really meant to say was that Pope was not a poet at

all. This, I think, is shown by what Johnson says in his "Life of Pope," though he does not name Warton. The dispute on this point went on with occasional lulls for more than a half-century after Warton's death. It was renewed with peculiar acrimony when the Rev. W. L. Bowles diffused and confused Warton's critical opinions in his own peculiarly helpless way in editing a new edition of Pope in 1806. Bowles entirely mistook the functions of an editor, and maladroitly entangled his judgment of the poetry with his estimate of the author's character.* Thirteen years later, Campbell, in his "Specimens," controverted Mr. Bowles's estimate of Pope's character and position, both as man and poet. Mr. Bowles replied in a letter to Campbell on what he called "the invariable principles of poetry." This letter was in turn somewhat sharply criticised by Gilchrist in the Quarterly Review. Mr. Bowles made an angry and unmannerly retort, among other things charging Gilchrist with the crime of being a tradesman's son, whereupon the affair became what they call on the frontier a free fight, in which Gilchrist, Roscoe, the elder Disraeli, and Byron took part with equal relish, though with various fortune. The last shot, in what had grown into a thirty years' war, between the partisans of what was called the Old School of poetry and those of the New, was fired by Bowles in 1826. Bowles, in losing his temper, lost also what little logic he had, and though, in a vague way, æsthetically right, contrived always to be argumentatively wrong. Anger made worse confusion in a brain never very clear, and he had neither the scholarship nor the critical faculty for a vigorous exposition of his own thesis. Never was wilder hitting than his, and he laid himself open to dreadful punishment, especially from Byron, whose two letters are masterpieces of polemic prose. Bowles most happily exemplified in his own pamphlets what was really the turning-point of the whole controversy (though all the combatants more or less lost sight of it or never saw it), namely, that without clearness and terse-

* Bowles's Sonnets, wellnigh forgotten now, did more than his controversial writings for the cause he advocated. Their influence upon the coming generation was great (greater than we can well account for) and beneficial. Coleridge tells us that he made forty copies of them while at Christ's Hospital. Wordsworth's prefaces first made imagination the true test of poetry, in its more modern sense. But they drew little notice till later.

ness there could be no good writing, whether in prose or verse; in other words that, while precision of phrase presupposes lucidity of thought, yet good writing is an art as well as a gift. Byron alone saw clearly that here was the true knot of the question, though, as his object was mainly mischief, he was not careful to loosen it. The sincerity of Byron's admiration of Pope has been, it seems to me, too hastily doubted. What he admired in him was that patience in careful finish, which he felt to be wanting in himself and in most of his contemporaries. Pope's assailants went so far as to make a defect of what, rightly considered, was a distinguished merit, though the amount of it was exaggerated. The weak point in the case was that his nicety concerned itself wholly about the phrase, leaving the thought to be as faulty as it would, and that it seldom extended beyond the couplet, often not beyond a single verse. His serious poetry, therefore, at its best, is a succession of loosely strung epigrams, and no poet more often than he makes the second line of the couplet a mere trainbearer to the first. His more ambitious works may be defined as careless thinking carefully versified. Lessing was one of the first to see this, and accordingly he tells us that "his great, I will not say greatest, merit lay in what we call the mechanic of poetry." * Lessing, with his usual insight, parenthetically qualifies his statement; for where Pope, as in the "Rape of the Lock," found a subject exactly level with his genius, he was able to make what, taken for all in all, is the most perfect poem in the language.

It will hardly be questioned that the man who writes what is still piquant and rememberable, a century and a quarter after his death, was a man of genius. But there are two modes of uttering such things as cleave to the memory of mankind. They may be said or sung. I do not think that Pope's verse anywhere sings, but it should seem that the abiding presence of fancy in his best work forbids his exclusion from the rank of poet. The atmosphere in which he habitually dwelt was an essentially prosaic one, the language habitual to him was that of conversation and society, so that he lacked the help of that fresher dialect which seems like inspiration in the elder poets.

* Briefe die neueste Litteratur betreffend, 1759, II. Brief. See also his more elaborate criticism of the "Essay on Man" (Pope ein Metaphysiker), 1755.

His range of associations was of that narrow kind which is always vulgar, whether it be found in the village or the court. Certainly he has not the force and majesty of Dryden in his better moods, but he has a grace, a finesse, an art of being pungent, a sensitiveness to impressions, that would incline us to rank him with Voltaire (whom in many ways he so much resembles), as an author with whom the gift of writing was primary, and that of verse secondary. No other poet that I remember ever wrote prose which is so purely prose as his; and yet, in any impartial criticism, the "Rape of the Lock" sets him even as a poet far above many men more largely endowed with poetic feeling and insight than he.

A great deal must be allowed to Pope for the age in which he lived, and not a little, I think, for the influence of Swift. In his own province he still stands unapproachably alone. If to be the greatest satirist of individual men, rather than of human nature, if to be the highest expression which the life of the court and the ball-room has ever found in verse, if to have added more phrases to our language than any other but Shakespeare, if to have charmed four generations make a man a great poet, — then he is one. He was the chief founder of an artificial style of writing, which in his hands was living and powerful, because he used it to express artificial modes of thinking and an artificial state of society. Measured by any high standard of imagination, he will be found wanting; tried by any test of wit, he is unrivalled.

J. R. Lowell.

Art. VIII. — CRITICAL NOTICES.

1. — *The Mythology of the Aryan Nations.* By George W. Cox, M. A., late Scholar of Trinity College, Oxford. In two volumes. London. 8vo. 1870.

In this work Mr. Cox has followed up a beginning which he made some years ago (1867) with his little "Manual of Mythology." The latter, in its brevity and one-sidedness, hardly merited so large a name; and it was somewhat overpraised by the adherents of the special school to which it belonged, and by those who take their cue from them. The present is a much more ambitious and elaborate effort; and it well deserves, as it will doubtless receive, general and careful attention. An American reprint of it has been announced by the same house — Leypoldt and Holt, New York — that brought out the "Manual" in this country. It is the extreme working-out, in one direction, of a tendency in mythological study, which has been for some time growing in force, and has quite recently made itself very conspicuous; the tendency, namely, to shift the basis of investigation of any special mythology within the circle of the Indo-European family to the more general ground of Indo-European mythology; to treat it as a developed branch of an older stock, requiring comparison with the other branches from the same stock; at once to expand the field and to change and deepen the methods of mythologic research. This tendency began to show itself with the first establishment of Indo-European unity, and was its necessary result. When once it was impregnably demonstrated that a single community had laid the foundation of Greek, Latin, Celtic, Germanic, Slavic, Iranian, and Indian language, and had developed that language to a high degree of structural perfection, under traceable conditions of culture which were far in advance of utter barbarism, the inference was a natural one, that the same community must have developed, also, a common religion; that is to say, that it must have arrived at certain apprehensions of the nature of the powers existing and at work in the world outside of man; of their modes of action and their connection with man; of man's relation to them, his origin, duties, and destiny, and must have framed some common expression, by word, myth, and ceremony, of its religious views; and that, accordingly, some relics of this primitive faith might be plausibly looked for among the early beliefs and myths of the Indo-European nations; just as relics of their ancient tongue had been discovered, abundant and unmistakable, in even their most modern idioms. Of course only

investigation could show whether the presumed relics were actually to be found; and, if found, of what extent and value they would prove to be; and whether any one people would appear to have saved so much of the faith once shared by all, that it would offer, as it were, a key to the whole. But there were indications lying upon the very surface, which awakened hope of abundant results to reward the investigator. Thus, to refer to only one or two of the most conspicuous, quoted by way of illustration a hundred times, — the correspondence of *deus* and θεος with the Sanskrit *devas*, and of *Jupiter* and Ζευ(πατερ) with the Sanskrit *Dyu(pitar)*, taken in connection with the fact that *dyu* in Sanskrit signified unequivocally the bright "sky," or the shining "day," and that *deva*, its regular derivative, meant "shining" or "heavenly," was like the outcrop of a rich vein, tempting the miner to explore its hidden depths. And those who entered upon the investigation soon convinced themselves that ancient India had preserved the primitive conditions with a faithfulness which was in vain to be sought elsewhere. On the one hand, the Sanskrit language offered in general, as in the examples just quoted, the clearest explanation of those names, to know which is often to know the things themselves. On the other hand, the very earliest recorded period of Indian antiquity, the Vedic, wore an aspect almost to be called Indo-European. The former was to be expected, considering the recognized exceptional value of the Sanskrit as a means of Indo-European etymological research; but the other was in no wise its necessary accompaniment and counterpart; it was rather a special and exceptional piece of good fortune for the student. Indeed, by the time that Indian history had fairly begun, the state of things was entirely changed; while the classical Sanskrit retained most of its Vedic primitiveness, the religion which it expressed had gone further from the old Indo-European basis than the Greek, for example, ever went. It is because hardly even the germs of the distinctive institutions of India are to be found in the Vedas, that these are so fertile of illustration for the ante-historical, Indo-European period.

Every Vedic student, then, became, almost of necessity, a student of primitive religions and a comparative mythologist. He could not help setting side by side what he found in the Veda and the analogous facts from other quarters of the world, within or without the Indo-European domain, and trying to make the one explain the other. The general theory of the early stages of religious development made rapid advance, and a host of points in the special history of Indo-European religions were brought clearly to light. Some scholars have been more active in this direction than others. Burnouf, Roth, and Kuhn were very prominent among the early investigators, and of these Kuhn has

worked most continuously and most deeply. The names of others, whose activity is more recent or less effective, we need not stay to mention.

The solidity of the basis which these men have established, and the real value of the results they have built upon it, are beyond all reach of denial or cavil. The conclusions of the comparative mythologists are, within their narrow limits, not less firm than those of the comparative philologists; and they require to be carefully heeded by all who would study any part of Indo-European antiquity. When such a new field of pertinent material is thrown open, he is an unfaithful worker who does not resort to it. It is no longer possible to undertake the interpretation of Greek myths, for example, from Greek sources alone, any more than to study Greek derivations without regard to the other Indo-European tongues. There runs a constant analogy between these two departments of inquiry, and we are all the time tempted to draw upon the one for the illustration of the other. The root of a word is like the natural phenomenon in which a myth or personification takes its origin. If the latter is to be fully understood, the former must be traced out or approached as nearly as may be. Either word or myth may have become the embodiment of special national life and feeling, to any degree; it may be, for example, instinct with the very spirit of Greek individuality; it may have so racy and local a flavor as to seem to have grown up out of the soil of Hellas; and yet it contains an inheritance from an older time, and its present aspect is the final result of a history of change and adaptation, which has to be read or our comprehension of it is imperfect. Behind the splendid pageant of Greek mythology, as behind the wonderful development of Greek speech, there lies a past of a very different character, bare and even poor in its simplicity, possessing few attractions, save for the historical student, though for him replete with the highest interest. And of that past a more faithful picture is to be found in India than the most careful and cunning search can catch and set forth from the records of the hoariest Greek antiquity. The natural conservatism of classical scholars long resisted the intrusion of the new light from the East in grammar and etymology; but the contest is now nearly over; the comparative method, through the whole extent of Indo-European speech, is acknowledged as the only true and fertile one; and the time is doubtless not far distant when the same accordance will be reached in the department of mythology and religion.

But if the main principle of the comparative method is thus sound, the details of its application are more intricate and questionable. When we come to inquire how much and what the Vedic hymns teach respect-

ing the origin of Greek myths, there is room for all the differences of individual capacity and tendency to manifest themselves. No such bright and convincing light is cast, that he who runs may read and that error is impossible. The ante-mythical period is more fully illustrated and the mode in which myths originate made more distinctly apprehensible. Some names are explained, and many hints toward direct interpretation are given; hardly more. Nothing stands in the way of exaggeration and abuse on the part of the upholders of the new method. Here, again, the parallelism with the study of language is close and instructive. When the Sanskrit was first brought in to the aid of Indo-European philology, there were not a few who overrated its importance, who applied it where it was not pertinent, who set it up as supreme where it should have stood second, who, without profound knowledge or critical method, were ready to solve every obscure or doubtful question by reference to a Sanskrit dictionary. The influence of such advocates was, of necessity, hurtful to the cause they espoused, strengthening the aversion of all who were inclined to shut their eyes to the new light; but for the aid and comfort thus given to the enemy, the contest would have been sooner and more absolutely settled. In a like manner, the Vedas have been, and will be, handled as a kind of spell for clearing up the darkness of Indo-European antiquity; their myths and germs of myths strained far beyond what they will bear as means of interpretation, or pressed into the service of some favorite theory; Indian material of late growth and doubtful authenticity treated as primitive, and what is exclusively Hindu put forward as belonging to the whole family. Continued study, the consenting labor of many minds, and conscientious criticism, will by degrees correct these aberrations, and save the true method, with the grand principles it involves, even out of the hands of those whose ill-judged advocacy does it present harm.

In the study of which we have thus concisely and imperfectly sketched the basis, the labors of Professor Max Müller have made a new era. His article on Comparative Mythology, in the "Oxford Essays" for 1856 (reproduced in the second volume of his "Chips from a German Workshop"), made a great sensation among English readers on both sides of the Atlantic, being to many the revelation of a field of research of which the possibility had been before unsuspected. Some of its themes he elaborated more fully in the second volume of his "Lectures on the Science of Language"; and his "Chips" contain other essays of kindred character and object. The principal significance of his work lies in two directions. In the first place, he set forth, in his peculiarly happy style, with attractive eloquence and rich and varied illustration,

the leading principles of the study, drawing toward them the public attention in a manner and to a degree that was within the reach, probably, of no other living writer. To regard him, however, as the father and founder of a new science (as many, especially in England, seem inclined to do) is an injustice to the great scholars who were his predecessors. He cannot fairly be claimed even to have deepened and strengthened its basis. It is precisely in his fundamental views that he is most open to adverse criticism, as being at variance with the approved tendencies of the science of the day. His assumption of a special religious faculty in man, a primitive intuition of the infinite and divine, an innate craving and recognition of a heavenly Father, instead of a capacity to see the Creator in the works of creation, a power to feel and be impressed by the supernatural, and to rise, by constant observation, comparison, and inference, higher and higher in the apprehension of spiritual truth, is not greatly different from the old assumption of a primitive revelation, with the later religions as its alterations and debasements, which he himself contends against, and would fain refute. It inverts the true order of development, putting that at the starting-point which ought to be the goal. In accordance with this, he looks upon monotheism as earlier than polytheism, and even goes so far as to find an antecedent and underlying recognition of one God in the simple naturalism of the old Vedic faith, — a radical perversion, in the opinion of most students of the Veda, of its real meaning. Müller, too, believes in a corruption and depravation of earlier and purer doctrines as the ordinary course of development in religion; but he is original in making the *word* the instrument of the depravation. His peculiar views of the way in which men have blundered into error on the most vital points of belief, through simple forgetfulness of the proper meaning of the terms they were using, have been already noticed and combated in the pages of this Review, and need not be dwelt upon here. They stand in legitimate connection with his theory as to the general relation of language to mind and thought. To him, the word is not the servant and instrument of the thought, but the thought itself, and speech is reason; so that errors of speech naturally turn to unreason. No one will think of denying that such errors play their part in the grand history of the aberrations of the human mind; but that part is far from being the leading one which Müller claims. Coming down from religion to mythology, the same tendency to exaggeration of the word is seen in his theory of "mythical phrases," as the germs of developed myths, in which, we are convinced, that whatever is new is ill-founded. So long as a phrase is the real expression of a conception of its utterer, so long it has a living force within

itself, and is capable of growing into something else; but the moment it becomes a phrase merely, it is dead, and can only drop into oblivion.

The other and the more striking and original part of Müller's work lies in his actual contributions to the interpretation of myths; in the details of his application of the principles of comparative mythologic study; in the way in which he has turned Vedic elements to account for the explanation of points, especially in Greek mythology, hitherto obscure or wrongly treated. He has brought forward into the first rank of importance two personifications, of the sun and of the dawn, of which comparatively little has been made before, and has furnished a series of certainly very brilliant and attractive interpretations. The number of mythical figures under which he finds these two natural phenomena, and of mythical situations representing their various relations, mutual or other, is quite surprising. He is himself startled at it, and asks whether it can be, after all, that everything is the dawn or the sun. We may, indeed, question a part of his identifications; we may regard some of his combinations as implausible, and criticise here and there an etymology as over-venturesome; we may, in brief, think that he has a hobby and rides it too hard; yet we cannot refuse him the credit of having thrown open and exploited a vein of which his predecessors had failed to discover the wealth, and given a new and promising turn to the whole subject of mythical interpretation.

A striking feature in this part of Müller's work is the extent to which he resolves the early mythical history and heroic tradition into purely mythical elements. Common opinion has heretofore inclined to see in those grand figures which loom up on the threshold of a nation's story as it lies in the nation's mind, veritable men, only magnified and adorned by the admiration of posterity. Even the gods have been taken for deifications. Better and deeper knowledge, however, has long been turning the minds of students of antiquity in the other direction, and showing them that beings of supernatural origin are drawn to earth and made men of, by excess of anthropomorphism, much more often than the contrary. Müller has only carried this tendency further than his predecessors; startling, for example, the classical scholar by maintaining that even the war of Troy is only a form of the contest waged in the East to recover the treasures of which the powers of darkness have robbed the day in the West; that Helen is the dawn, and Achilles a solar figure, in whose beauty and prowess, in whose wrath and sullen retiracy, in whose triumph and vengeance, in whose brief career and early death, are to be seen merely one set of variations of the theme which has engaged bard and poet since the first dawn of the poetic faculty.

There were two ways, now, of continuing the work thus begun by Müller. It might be gone over again, in a thoroughly independent and critical spirit, by some one possessed of learning and acuteness enough to test it in all its parts, examining the alleged basis of Indo-European mythical fancy laid before us in the Veda; weighing anew the value of the prominent elements there, and tracing out their development by the livelier fancy of the Greeks; striving after such a comprehensive view of both as should bring their relations into clearer light; questioning identifications and correcting etymologies. Or, on the other hand, its leading ideas and methods might be taken up and pushed on by one whose whole soul was possessed by them, with the single design of seeing how far they could be carried, and how much could be brought within their reach.

To return, then, to the work which formed the starting-point of this exposition (and of which we are more solicitous to point out clearly the position and connections than to give a detailed and exhaustive criticism), Mr. Cox, it cannot be questioned, has followed the latter of these two ways, or, rather, his mind has been taken possession of by Müller's researches, and he cannot help urging them forward with all his powers. We do not often meet with so implicit a disciple, so enthusiastic a sectary. All that Müller has said upon the subject is to him the law and the gospel; each of the master's opinions is taken up and dwelt upon, and illustrated and worked out by the pupil, with a hearty assent and admiration, which are not a little interesting to see. Mr. Cox does not feel that there can be any real doubt, or need be any serious discussion of the principal points involved in Müller's theories. To him, they are already supported by an array of evidence "which will not long hence be regarded as excessive"; and they need only to be stated and illustrated in order to be received by others with the same delighted conviction with which his own mind has accepted them.

Probably there are few who will go this whole length with Mr. Cox. Many, rather, will be in some measure repelled by the fervor of his advocacy, which will seem to them more indicative of obsequiousness of mind than of independent critical judgment. We must take his work, however, for what it is, and we shall not fail to find much to admire in it, and to gain from it valuable light. There is always something winning in the earnestness of full persuasion, and the assent of many, and the interest of more, will be carried onward by the mere force of the author's current. His volumes are doubtless more picturesque, sparkling, and readable than if his nature had been cooler and his style more scientific. Mr. Cox's mind, like his master's, hardly has the scientific habit; it is rather genial, imaginative, constructive. In his early chap-

ters, it is true, he commends and urges the scientific method; but he does not define it, or show us its foundation; and he does not exemplify it, if it demands, besides a faithful resort to every available source of evidence, a calm and dispassionate judgment, unbiassed by a favorite theory, and a logical and orderly plan, a progress from one established point to another. It were useless to attempt giving an analysis of the contents of the book, which is a gush of exposition and illustration of one leading idea in various forms, and, in part, seems to have been divided into chapters by an afterthought. An extract of twenty pages almost anywhere would furnish a kind of ideal section of the whole, showing all its different strata of thought and argument, and yielding specimens of its staple constituents. In a work so written there cannot but be a great deal of repetition; and we imagine that from this a full third might be removed without omitting anything. The same myth is explained over and over again, with varying fulness; objections are answered half a dozen times; and difficulties already laid to rest arise once more to vex our souls and to be exorcised anew. A facility of ornate and eloquent expression is the author's most conspicuous quality; and it is less held in check and guided by logical closeness and accuracy than were to be desired. He lays no claim to original scholarship, excepting in the classical department of his subject; and he is neither too careful in the selection of the sources on which he relies nor too conscientious in using them. In matters of etymology he is least of all trustworthy. Take, for example, his statement (I. 171) that "Argynnis and Phorôneus, Brisêis and Achilleus, Paris and Helen, names of persons in Hellenic legend, are in the earliest songs of the Aryan family found still in their original application as names of the morning, of the sun, or of darkness." Here are a number of Müller's most venturesome conjectures, which he himself puts forth with diffidence, elevated into first-rate facts. The first two of the names quoted are somewhat doubtfully identifiable with certain common adjectives in Sanskrit, which have not in the least the character of appellatives, though, as meaning "shining," and the like, variously applicable to the phenomena of light. To explain Brisêis, we have twice in the Veda the word *Bṛsaya*, as name of a (male) demon apparently. To Achilleus the Veda furnishes no correspondent whatever, and it is only by setting sound etymology at defiance that it can be brought into even distant connection with anything found there. And as for Paris and Helen, their oneness with the *pâṇi's* and Saramâ (the former, in the Veda, the thieves of Indra's kine, the latter his messenger to reclaim them), is very far from being established; even Müller holds it but doubtfully; and it will take, we think, a much stronger

internal probability than can be made out for the identification to overcome the external difficulties, in the forms of the words compared. And because *ahanâ* occurs once in the Veda as an epithet of the dawn, of wholly doubtful meaning and derivation, though, but for its lack of *d*, identifiable with *dahanâ*, which has a derivation, and might well enough also have been applied to the dawn, but is not; therefore to Mr. Cox (Preface, p. x), "the affinity of Athênê with the Sanskrit Ahanâ, and Dahanâ and the Greek Daphnê, is so clear that Liddell and Scott are to be seriously blamed for not admitting it into their Greek lexicon as a satisfactory etymology. And if he suggests a new etymology of his own, it is some such impossibility as the correspondence of the Latin Consus and the Sanskrit Gaṇeça. (I. 347, note.)

Nor is Mr. Cox always mindful of consistency in the interpretation he gives to mythic elements. The poisoned robe of Dejanira, in which Hercules expires, is sometimes (e. g. p. 56) the mantle of cloud in which the sun sinks to rest at the close of the day; at other times (e. g. I. 56 again!), it is the representation of "the piercing rays which burn in the tropical noonday"; and yet again (I. 66, note), the boar's tusk, which cuts short the life of Adonis, "and reappears in the myth of Odysseus, is but the thorn of winter and poisoned robe of Heracles." The "thorn of winter," namely, because the death of summer, under the baleful influence of winter, is not only inseparably connected with the overwhelming of day by night, so that either can be substituted for the other to help out an interpretation, but the destroying power is most fitly represented by the fatal weapon which wounds the hero in his one vulnerable spot. It is the arrow that pierces the heel of Achilles; it is the sword which is thrust into Siegfried's back; it is the spindle that pricks the finger of the maiden shut up in the tower; it is the poisoned fragment of finger-nail that the malignant dwarfs have left in the crack of the door; and various other things. Mr. Cox's circle of comparisons is a wide one, and sometimes brings together strange bedfellows. Thus (I. 410, note), the gray-haired chief in Scott's ballad of Erlinton, who alone is left alive to tell the tale, and the immortal sisters of the slain snaky-haired Medusa, and Phrixos who lives on while Hellê dies, and the youngest child of Kronos, who is not swallowed, and the youngest goat (in Grimm's story of the Wolf and the Seven Little Goats), whom the wolf does n't eat, are all the same thing, and brought in in connection with the trials of Cupid and Psyche. And (II. 330, note) the burning up of Blue-Beard in his own house, with all his wealth and accomplices, "is manifestly the destruction of Ilion," — Blue-Beard, like Paris, being a power of darkness, that steals dawns, or Helens, till he meets with one who is too cunning for him,

and brings about his destruction, — a form of the myth, we would suggest, that seems to have grown up within the Arctic circle, as the only quarter of the world where the twilight sometimes gets the better of night altogether.

This extreme extension of the ground of mythologic research and comparison is one of the specialties of Mr. Cox's system, although here, as elsewhere, he is only pushing boldly forward where Müller had led the way. To him, the Odyssey has but the same story to tell as the Iliad; it is the sun, wandering and suffering through his ten hours of toil, while the powers of darkness, the suitors, worry and distress the bride — the dawn — whom he left at evening, and whom he will find again, as young and fair as ever, when he returns in early morning. The German *Nibelungen Lied* is palpably the same tale, under another aspect. Arthur and Roland came out of no other crucible. And yet, further, the tales and stories with which we made acquaintance in childhood are solar and dawny in their essential texture; wherever there is an irresistible hero doing wonderful deeds, it is the sun; where there is a lovely damsel waiting for a deliverer, it is the dawn, expectant of the return of the great luminary after his day's toil or his night's eclipse. But the heroes of a humbler class are of the same lineage: Boots, and the Shifty Lad, and Jack the Giant-killer, and doubtless Tom Thumb, although we do not remember his name in the list. Mr. Cox has drawn up (in various places; most briefly and comprehensively, perhaps, at I. 43, 44) a scheme of the elements which may enter into a solar myth, or of the "mythical phrases," in which the Indo-Europeans of the earliest age must have incorporated their impressions of "the daily or yearly course of the lord of day," and which afterwards, when the proper sense of the terms used had been forgotten, grew up into a wild luxuriance of myth and story. Wherever, now, he detects the presence of any of these, there he is ready to assume that a solar myth lies hidden. And we have seen, by the examples cited, how keen is his sense for such prey, and with what slight indications he is satisfied. We should call it easy credulity, if it did not merit a better name. He is, in fact, wholly possessed by his theory; he has established in his own mind so immense an antecedent probability in favor of this mode of interpretation of heroic incident, that he is prepared to find occasion for it everywhere. The general community of scholars, however, we believe, will long continue sceptical, and will only yield its assent, if yield it must, to a cooler and more logical advocate. They will not readily believe that the ancient Indo-European people treated this one theme with such an exuberant fertility of imagination as nearly to exhaust themselves upon it, and to sing and tell of nothing else. They

will not believe that elements originally mythical had such an exceptional power of self-preservation and propagation, that even those who, for thousands of years had entirely lost the underlying mythical sense, could not but reproduce them with faithful iteration. The correspondences, in parts, of the nursery and narrative literature of many nations of Europe and Asia are, indeed, very remarkable; and it remains to be determined, by comprehensive and wary inquiry, how much of them is accidental or due to the like working out of tendencies common to all human nature, how much is the result of transmission from one people to another, and how much, if any, is to be traced to a common tradition from the remote ages of unity. We cannot consent to have the whole question settled for us in advance so summarily.

Mr. Cox's method palpably invites to burlesque and caricature. We might almost say that he himself sets us the example of caricaturing it, so exaggerated is, in many cases, his valuation of the coincidences which he thinks to find, so great his ingenuity in discovering them where no one else would have suspected their existence. An instance is his exposition (I. 151, ff.) of the story of Ahmed, as told by Irving in the "Alhambra"; it is much too long to repeat here; but we could hardly ask a better model to follow, if we would learn the art of interpreting stories into solar myths. And caricatures have begun to appear; hardly any critic of the work has been able to refrain from them; the most elaborate and artful one we have seen, worked out with immense ingenuity and learning, and with a surprising command of countenance, is found in No. 5 of "Kottabos" (an organ of the erudition and wit of Trinity College, Dublin), where Max Müller himself is proved to be a solar myth, and one as compared with which "few are so detailed and various; and, perhaps, there is none which brings together, in so concentrated a focus, the special characteristics of Sanskrit, Hellenic, and Norse fable." We, on our part, see capabilities in General Grant, from which we refrain our hands only unwillingly. His famous resolution, "to fight it out on this line, *if it takes all summer*," has the true solar ring, announcing a myth of the northern variety, where the yearly instead of the daily career of the orb of day is the theme; and if we add the long winter of inaction and fruitless effort before Richmond, and the final resistless outbreak and conquest, as soon as the vernal equinox was past, we have a more than usually abundant capital of evident solar elements with which to begin our interpretation.

But though we may permit ourselves a laugh at Mr. Cox's exaggerations, we ought to laugh good-humoredly, and without refusing him our full respect as an earnest scholar and a powerful and ingenious writer. His work deserves, as we have said, to be widely studied; and

it will do valuable service, doubtless, in advancing the cause he has at heart, if only by exciting public attention and stimulating research and discussion, which shall tend toward the final establishment of truth. Under and along with the exaggerations, we, for our part, are confident that there is a great deal which is solid and valuable.

Only a part of the preparatory work needful to be done in order to make the Veda yield its full harvest of results for Indo-European antiquity has been yet accomplished. When the internal content of that venerable document shall have been as thoroughly laid open as its speech has been analyzed, and shall have engaged the labors of as many careful students, we may hope, not, perhaps, for so abundant and certain results as some are even now promising themselves, and hastening forward to gather, but, at least, much more than is now within our reach, and enough to more than repay all that it shall cost. Just at present, tilling should be more the occupation of the day than reaping; and we cannot help regarding such works as the great St. Petersburg Sanskrit lexicon (now nearly completed) and Muir's Original Sanskrit Texts (especially the last published volume, "Contributions to a Knowledge of the Cosmogony, Mythology, Religious Ideas, Life, and Manners of the Indians of the Vedic Age"), as more likely than any others to do permanent service to the study of the mythology of the Aryan nations.

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2. — *Classical Study: Its Value illustrated by Extracts from the Writings of Eminent Scholars.* Edited with an Introduction by Samuel H. Taylor, LL. D., Principal of Phillips Academy. Andover: Warren F. Draper. 12mo. 1870. pp. xxxv and 381.

This work is one of the good fruits of the discussion again going on in regard to the methods and instruments of education, and every one interested in this important subject, and taking wise views of it, will be grateful for this contribution towards the enlightenment of the general mind. The volume consists of essays and discourses, presented entire or in part, from the pens of accomplished scholars, some of them being professors, others politicians and lawyers, prefixed to which is an excellent Introduction by Dr. Taylor.

We are much struck by the elevated and catholic character of these papers. Ranging over a period of near half a century, and written by the avowed friends of classical learning, they all wisely and generously advocate, some in express words, others by implication, the interests of every department of learning as essential to the full and harmonious development of all the powers of the mind. They advocate the study

of physics, for the development of the powers of outward observation and generalization; they advocate the study of letters, — which is virtually the study of mind, — for the development of the powers of internal observation and generalization; and for literary culture, the writers of these discourses believe no study is to be compared with that of Greek and Latin, — languages pre-eminent for beauty, accuracy, and regularity; the languages which have brought down to us the richest treasures of thought and sentiment, which have presented the world with what it still willingly deems its masterpieces in poetry, history, and philosophy, and which have impressed their form on all the tongues of modern civilization, — languages, the study of which is our best means of attaining a knowledge of one science, grammar; and one of which, the Greek, directly furnishes us with three sciences in almost faultless form, — logic, rhetoric, and geometry.

But when those who devote themselves to the study of material things oppose the study of Greek and Latin, saying, as Professor Huxley does, that this is simply the study of *expression*, they surely do not mean that physical learning or learning of any kind can be acquired or communicated without power of expression, that is, without attainments in language. For language is the necessary form of thought, furnishes the indispensable signs of things, and so is the proper instrument of all learning. As sensible men they can only mean that those who profess to give the higher culture of the mind, occupy themselves and their pupils too exclusively with the study of letters. But this, it has been well answered, is the abuse of this kind of learning, not the wise use of it. And while in times past such abuse may have prevailed, which several of these advocates of classical learning frankly admit and directly censure, yet now there is a great change both of feeling and of practice among literary scholars. The variety and extent of the discoveries in the physical sciences during the present century — discoveries not merely gratifying man's natural desire for further knowledge, but bearing more or less directly on human welfare and improvement — have been such as greatly to widen and deepen the interest in physical studies. As a natural consequence of this, we have had the preparation of elementary works on these subjects for introduction into our common schools, the production of fuller and higher treatises for our institutions of liberal learning, and even the establishment of schools for the special study of the physical sciences.

But those who regard the study of language as being now antiquated and barren of good fruits, seem to be ignorant that this study has risen to the dignity and received the name of *a science*, — philology. Like chemistry, philology is the offspring of the present century, but during

this period of almost unexampled activity it has made as great an advance as almost any other science. It has been as sedulously cultivated and by as great minds as any other. Its apparatus for study and research has improved as much and is improving as fast as that of any other. To the grammar and lexicography of Greek and Latin, as the chief and worthiest objects of study in this science, men of the greatest genius and sagacity and industry have devoted their highest, keenest, and most laborious efforts. We thus possess facilities for mastering these tongues such as we have for no living language, and the very best grammars and dictionaries of modern tongues have been made by those who acquired method and skill for their work in the study of Greek and Latin. The aptitude of the American people for the cultivation of the higher and more difficult of these two languages is worthy of note. We have produced already three grammars of the Greek language as original and as valuable as any which have yet appeared in England; we have made an important contribution to its lexicography in our edition of Liddell and Scott's Greek-English, and of Yonge's English-Greek Lexicon; we have produced one of the very best lexicons of Hellenistic Greek, — Dr. Robinson's, — which Great Britain has honored by reproducing in two or three different forms; while Professor Goodwin's treatise on the use of the Greek Moods and Tenses is the only important work on that subject in the English language, and the Lexicon of Patristic and Byzantine Greek, by Professor Sophocles, the earnest and careful labor of twelve years under circumstances most favorable to the undertaking, is as yet a unique production. Is all this the work of accident? May it not rather be due to the fact that our condition, as well as that of the ancient Greeks, is the perfect liberty of a republic, — *πατρὶς ἡ ἐλευθερωτάτη*?

While an attempt to dislodge philological studies from the lofty place they have naturally and fairly attained has been made mostly by those wholly ignorant of them, sometimes by those who have pursued them under great disadvantages and unsuccessfully, and only in the rarest instances by those who have made any great and solid attainments in them, Germany, the mistress of the world in this kind of learning, cultivates it as earnestly as ever and with results richer and deeper year by year; France, before the present war, certainly had not abated her interest in it, as the monthly catalogues of new books witnessed; Scotland, in the persons of Dr. Schmitz, Professor Ramsay, Professor Blackie, Dr. Campbell, and Mr. Veitch, is winning a reputation she never before had; England, at length laying aside her old prejudice against German learning or her jealousy of it, is surpassing even her ancient renown by the labors of such men as Gaisford, Donaldson, Key, Paley,

Tregelles, Ellicott; and while the traditional learning of her universities has always been respectable and in some periods masterly, she is now doing for elementary as well as advanced education, what she has never done before, by the publication of the *Arnold Series* in London, the *Clarendon Series* at Oxford, which, being resolved to preclude the opposition and clamor of physical scholars, embraces the material sciences as well as letters and modern languages along with the classic tongues, the *Catena Classicorum* by Cambridge and Oxford scholars conjointly, and the *Grammar School Classics*, all of which are intended for younger students; while, for higher culture, some of the volumes of the *Bibliotheca Classica*, Plato by Mr. Riddell and by Dr. Campbell, Lucretius by Mr. Munro, Plautus by Mr. Wagner, Juvenal by Mr. Mayor, and Catullus by Mr. Ellis, are specimens of the most learned and subtile scholarship of modern times. And the recent production among us of such philological works as Professor Whitney's Lectures on Language and his German Grammar; Professor March's Comparative Grammar of the Anglo-Saxon; the translation and adaptation of Dr. Freund's Latin Lexicon, which has been republished in England by Dr. William Smith, and again by White and Riddle, and so constitutes the best Latin lexicon for the British universities; our other grammatical and lexicographical works mentioned above, the critical and generous manner in which the new generation of our scholars are doing their work, the frequency with which they superadd the advantages of the English and especially of the German universities to their advantages of education at home, — all this goes to show that our Republic is not falling behind in these great, ennobling, spiritual studies as we may well style them, but is now advancing to a position she never reached before.

And we confidently believe, from what has been already accomplished in these studies here and abroad of late years, amid discussions in regard to higher education and amid violent and determined opposition to the classics, that the Greek and Latin languages and their literatures and all connected studies are destined to be pursued, not so exclusively indeed, — we ourselves deprecate that, — but along with physical science, and so more wisely, but no less thoroughly and extensively than hitherto, and from the advantage already gained, with richer and better fruit than ever. Our relation to, and dependence on, the most perfect civilizations that have preceded us, those of Greece and Rome, are coming to be understood better and better; the study of Greek and Latin, so far from being superseded after whatever trials have been made, still proves, as it has proved for ages, the best means for gaining a mastery of the principles of language, and the best guide towards

perfection in the forms of literature; the nomenclature of all science, whether physical or metaphysical, in all living languages, is borrowed from these tongues; in one of them is embodied the last and highest revelation to mankind, and the other contains the most venerable translation and interpretation of the earlier revelation, while the sacred original of that earlier revelation has been most adequately studied and illustrated by Greek and Latin scholars; and finally, to show the utility of these studies even to the student of material things, what is put by way of assumption in one of the papers of this volume, — that, namely, if two students of equal capacity were put on a course of study for some years, one pursuing modern languages and physical science exclusively, the other in addition thereto studying the classics, the classical student would at the end of the course be the better proficient also in the modern tongues and in science, — this has proved true in the actual experience of many teachers, as is well shown us by Dr. Taylor in his interesting and valuable Introduction.

Holding, as we do, that most of the great masters of antiquity are as admirable for their matter as their manner, we regard the study of them, when properly pursued, as tending to make good men as well as elegant scholars; and we here enter our solemn protest against any view of education that does not aim to make the pupil both learned and virtuous. We ask, amid the great dangers that have encompassed and are still encompassing our Republic, that our notion of knowledge, like Plato's ἐπιστήμη and Cicero's *scientia*, may include the honest practice of the same. And in asking this, we are only urging a view well set forth in one of the discourses of this volume, Professor Campbell's Address at the opening of the United College in the University of St. Andrews in 1868. His wise and timely words are: "There can be no sound theory of education in which any element of humanity is lost sight of. And university education is only a stage in that larger scheme of progress which for the individual extends over the whole of life, and for the community embraces the welfare of every class. In that scheme it has an appropriate place and work; but this separate function is vitally related to the whole, from which no part can be isolated without losing use and meaning; and therefore, although the object of our meeting here is chiefly and directly an intellectual one, whether this be regarded as the acquisition and diffusion of knowledge, or the promotion of mental culture, yet this purely intellectual aim, noble in itself, cannot have free course unless it is animated by a still greater purpose, — the formation and growth of character, the knowledge of self, the diffusion of right principles of action in private and in public."

3. — *Poems.* By Bret Harte. Boston: Fields, Osgood, & Co. 1871. 12mo. pp. 152.

Our first acquaintance with Mr. Harte was through the "Idyll of Red Gulch," which was floated to us one morning among the drift-weeds of the newspaper. We found a new and singular interest in it, a power and pathos (and those worked up from the simplest material), that moved us deeply, and above all we were conscious of that most delightful of all literary sensations, — a new flavor. Here was our Theocritus at last, and from California, whence we least expected him. Our experiment in this instance had been so satisfactory, that we at once proceeded to read Mr. Harte's volume of prose. We found it unequal, it is true, but there were in it unmistakable evidences of original power. Mr. Harte had divined the poem that lay hidden in that wonderful border life, Homeric in its simple savagery, in its emphasis of the manlier qualities. It was plain, too, that here was a humorist of no mean quality, perhaps the first who had pushed to its utmost allowable limits that contempt for all received conventions which is the leading characteristic (as it is also the danger) of the purely American type of the humorous.

In the volume before us we meet Mr. Harte as a professed poet, and it amply justifies his title to the name. There is hardly a page where we do not find some new evidence of his sensibility to what is picturesque in character or scenery.

> "For seven months had the wasted plain
> Known no moisture of dew or rain,
> The wells were empty and choked with sand;
> The rivers had perished from the land;
> Only the sea-fogs, to and fro,
> Slipped like ghosts of the streams below.
> Deep in its bed lay the river's bones,
> Bleaching in pebbles and milk-white stones,
> And tracked o'er the desert faint and far,
> Its ribs shone bright on each sandy bar."

Even amid his humor there is a gleam of the poetic eye now and then: —

> "Ai! for the fleecy flocks, — the meek-nosed, the passionless faces."

But what we value even more highly is the power of suggesting a whole character through its own unconscious self-revelation, as in the striking bit of moral and physical scenery, "Dow's Flat." "Cicely," in its quaint way, is full of poetry, and might be taken as typical of the author, who seems to have found his poetry by accident, as it were, in the motley life around him, and to have hardly known how to save it from his own relentless humor. We could wish indeed that Mr.

Harte had sometimes shown more respect for a gift so eminent in many ways as his. Some of the pieces here collected are of a flimsy texture when compared with his best work, and we find ourselves a little impatient, now and then, with the Mrs. Gampian *ambages*. But we do not care to haggle with one who so often unexpectedly touches us with something more abiding than any superficial emotion. Mr. Harte has a feeling for what is noble in character, and a faith in the final perseverance of humanity under the most adverse circumstances, which endear him to us, and which we should like to call essentially American, the best outcome of democracy. Not less noteworthy is his admirable good sense, shown in such pieces as "Plain Language from Truthful James," which, with a deadly thrust of humor, gave the *coup de grace* to the barbarian cant on the Chinese question.

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4. — *The Commercial Laws of the States.* New York: Office of the Bankers' Magazine. 1870.

"Of making many books, saith Solomon, there is no end; which is to be understood of such books as are written without an end." We are reminded of this saying of Lord Coke by the increasing mass of quasi-legal literature to which this work is the latest addition. Why such a book is produced is a mystery; why it is bought passes all understanding; yet still it comes.

"The Commercial Law of the States" is a large subject to be treated so briefly; especially as the compiler includes under this head divers excellent points of learning as to dower, probate, competency of witnesses, practice of courts, and other things indispensable to every commercial man. Space is gained for these, however, by leaving out most of the subjects which belong strictly to commercial law. We look in vain for any information as to ships, carriers, bills of lading, etc., and the laws of the United States are ignored utterly. As a specimen of the accuracy of the work, we will take the six pages devoted to Massachusetts.

An account is given of the State insolvent laws, which are all superseded by the United States Bankrupt Act of 1867. There is a summary of the usury laws. On turning the page, the reader finds that they are repealed. The damages on foreign bills are stated as they were seven years ago, not as they are now. It is said that one witness is necessary to a deed. In fact none are needed. It is said that an affidavit of merits is required in civil actions. This is done away with by a late statute. The jurisdiction of the Supreme Court

is wrongly stated. Of its terms two totally different accounts are given. The Court of Common Pleas is abolished, and the long account of its terms is therefore useless. The Police Court of Suffolk is not merged in the Superior Court.

We will now take a few instances at random from other States. It seems that polygamy is lawful in California. "On the death of the husband, one half of the common property shall go to the surviving wife." How if two or more survive? In Georgia, "the remedy by *ca. sa.* is abolished as an incident of St." Whether this abbreviation denote Saint, Street, or Statute, the sentence is equally obscure. In Texas we have "STAY LAWS. There is no stay law in force in Texas now." We should admire this terse and epigrammatic statement of the law, were the idea not stolen from the Natural History of Pontoppidan, whose famous chapter on the snakes of Norway runs thus: "There are no snakes in Norway."

If a little knowledge is a dangerous thing, this book is most dangerous, not to say incendiary. But when that little is, as here, mixed up past distinction with a vast amount of ignorance, we know not what epithet to apply to the compound. Our advice to lawyers, merchants, and booksellers is, if this be commercial law, make the most of it.

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5. — *Suburban Sketches.* By WILLIAM D. HOWELLS. New York: Hurd and Houghton. 1871. 12mo. pp. 234.

MR. HOWELLS'S new volume will confirm and extend the fame he had already acquired by the singular delicacy of his genius, and the respect which he shows for it in the fastidious purity of his style. It is wonderfully easy reading, because it is graded with such consummate skill. But there is profound feeling here, and humor so subtile, so evanescent, that it suggests itself by indirections, as it were, and dominates all our associations like a faint perfume that is and is not, and yet possesses us wholly with its indefinable charm. These are poems, we say to ourselves, and wonder where the rhyme is which yet we do not miss. Yes, truly, these are poems, if the supreme gift of the poet be to rim the trivial things of our ordinary and prosaic experience with an ideal light. Here is something of that gracious ease of Chaucer, which cost him so much pains. In "Mrs. Johnson" and "My Doorstep Acquaintance" we have studies of character that remind us of those etchings of the old masters that seem so careless, but which, the more we study them the more they persuade us of patient observation and training, and tease the imagination with those hints of power "where more is meant than meets the eye." There is

a refinement in these sketches which only the few can appreciate, and a breadth of sympathy which includes the many in its benign circle. Let us make the most of Mr. Howells, for in the midst of our vulgar self-conceits and crudenesses, and noisy contempt of those conventions which are the safeguards of letters, and the best legacy of culture, we have got a gentleman and artist worthy to be ranked with Hawthorne in sensitiveness of observation, with Longfellow in perfection of style.

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6. — *The Decline of the Roman Republic.* By George Long. London: Bell and Dalby. 1869. Vol. III. pp. xxv, 483.

The materials for the history of the early part of the decline of the Roman Republic are surprisingly scanty. That period is neither illustrated by Livy nor illuminated by the philosophy of Polybius. The Roman wrote of it, but what he wrote is lost; and the Greek was dead before the change in the great Republic of antiquity had assumed such proportions as could have attracted his attention. The forces were actively at work in his time that were to bring about, as their ultimate result, the substitution of the imperial polity for that oligarchical rule which had triumphed over the genuis of Hannibal, and then ruined the state it had saved; but at the supposed date of the death of Polybius, though the Gracchan troubles had occurred, and were in part at least matter of history, there were no clear indications of that change which was to have so great an influence on all subsequent times. The writers to whom we are indebted for such knowledge as we have of the first period of that change were either dull men of the class of chroniclers, or partisans in the later period of the conflict, or historians who lived so long after the events of which they wrote, and under circumstances so different, that they had nothing like a just comprehension of their subject. That distance in time which ordinarily is so favorable to the work of historical criticism was of little service to the writers last mentioned, because their training and their mode of thought had unfitted them to appreciate the state of affairs in the Roman Republic during the century that elapsed between the destruction of Carthage and the battle of Munda. An Englishman of to-day can write of the great struggle of which his country was the scene during the seventeenth century no less intelligently than it could have been treated by the ablest of the contemporaries of Sancroft and Sidney, and far more impartially, because the political education of Englishmen throughout the intervening period has kept alive the spirit of the seventeenth century; and the English parties of this time are, as we may say, lineally descended from those that acknowledged the lead of Hampden and

Russell, of Falkland and Ormond. The Cavaliers and the Roundheads, the Court faction and the Country party, the Whigs and the Tories, of the days of the Stuarts, are to the practical, political Englishman of 1870, men controlled by the same principles, passions, and motives as himself. He can write of them, and of their purposes and deeds, as he might write of the intentions and the doings of the followers of Mr. Gladstone and of Mr. Disraeli. Hence even the dullest of living English writers on that great conflict, the issue of which decided that England's influence should be placed forever on the side of constitutional freedom, writes instructively. Very different is it with respect to the men who, far down in the imperial age, wrote of republican Rome. They had authorities at their command, but they were incapable of using them, because they could not comprehend their spirit. The difficulty became all the greater when the writer was a Greek. With the single exception of Polybius, — the circumstances of whose life were of an exceptional character, — no Greek, no matter what were his talents or his acquirements, seems to have been capable of understanding Roman history. Even had a Thucydides appeared in the second imperial century, he would probably have failed to write well the history of Rome. From writers of the second imperial age, — which began with the appearance of the Fulvian family, A. D. 69, and terminated with the elevation of Septimius Severus to the throne, A. D. 193, — little aid is to be expected by the modern historian of the decline of the Roman Republic. Not much more assistance can be obtained from the brilliant writers of the late republican, or early imperial time; for they were, for the most part, members of the factions that were engaged in the conflict that closed at Philippi, or sentimental adherents of the "lost cause" of antiquity, — men who kept the old aristocratical party alive in the *salons* of imperial Rome, as we have seen and yet see Frenchmen nursing and coddling in its second childhood the old legitimist party in the select circles of the capital of the French Empire. Had Livy's grand work been spared to us entire, great would have been the gain to the world; but we suspect that the least useful part of it would have been the books in which he essayed to tell the wonderful story of the decline and fall of the most wonderful of republics; for Livy was a partisan, and appears to have been as strongly attached to the cause of which Pompeius was the champion and embodiment as any one of the aristocrats who fell at Pharsalia. Tacitus tells us that Augustus called him the *Pompeian*, and yet that the friendship of the Emperor for the historian remained unchanged. Such a man would not have written impartially of a contest that had been decided unfavorably to his opinions. Certainly we cannot suppose

him to have been a man of higher morality than Cicero; and we know that Cicero requested that the history of his own consulship should be falsified in order that he might appear to greater advantage, — a request which shows that the abundance of material he himself left in illustration of the history of the decline of the Republic cannot be depended upon. Sallust was a hard, sagacious pamphleteer, and a partisan of what proved to be the imperial faction. Indeed, none of the writers of the brilliant age of Cicero and Cæsar can be trusted when his theme is contemporary history. Their works have that one-sided character which belongs to almost every volume or article that has appeared concerning the causes, the conduct, and the consequences of our secession war. In the hands of good historical critics they are useful, particularly as they indicate the motives of the actors in the grand drama; but their naked statements are rarely to be implicitly trusted.

The authorities for the history of the decline of the Roman Republic being such, it is clear that the modern scholar who undertakes to write that history has a very difficult task to perform.

This task Mr. George Long has undertaken, and as the third volume of his work is before us, enough of it has been executed to enable the world to judge whether he has the large qualifications that should be found in the historian of the most important events of ancient times. We regret that a sense of justice compels us to say that, in the point of rare learning, he has not one of them. His other works have made readers and students aware that he is very well acquainted with the history of the literature of Rome's last republican century; but beyond this he is totally disqualified to write the history of that century. His acquaintance with the general history of Rome seems not to be extensive, nor can it be claimed for him that he is an authority in universal history. His mind is narrow; his sympathies, as a rule, are not with the cause of freedom; his critical powers appear even mean, when applied to politics in the largest sense; and his style is so dry and arid, that to read his book, interesting as his subject must ever be, is a painful task. Not only does he fail to rise to a philosophical view of history, but he disparages it in other writers, sneering at the scholars who have sought to reconstruct Roman history from material that has come down to the modern world.

Mr. Long's third volume is a good sample of his History. It covers the period from B. C. 72 to B. C. 58, fourteen years of almost uneqalled interest, embracing the close of the Mithridatic wars, the changes in the Sullan constitution, the war with Spartacus, the prosecution of Verres, the passage of the Gabinian and Manilian laws, the war with the Pitates, Cicero's consulship, the Catilinarian Conspiracy, the rise of

Cæsar, events all of which interest men wellnigh as closely as the greatest occurrences of their own times. Yet on not one of these important subjects does our author's narrative throw any new light, nor does he attempt to show their connection with the fall of the Republic. If there be an exception to this assertion, it is to be seen in some of his observations in the war of Spartacus, for which we were not prepared; but that servile contest was of so strange a character, and of proportions so enormous, that the coldest mind cannot fail to be somewhat moved when engaged in narrating it. Mr. Long considers the war with Spartacus as having been "more dangerous to the Roman state than any of her foreign contests, except the long struggle with Carthage." This is a correct view, and one of our grounds of complaint against him is, that he has not made clear why a Thracian gladiator was able to bring a great nation of conquerors to the verge of ruin, and to inflict on her armies the most crushing defeats they had ever experienced, except at the hands of Hannibal. How was it that Roman slavery led to so severe a conflict, in which a chief of revolted slaves proved himself superior to every Roman general sent against him, and was unsuccessful at last only through the force of circumstances? The slaughter of so many Romans by Spartacus, as one of the many causes of the fall of the Republic, precisely as the slaughter of a much larger number of the Republic's best men by Hannibal was *the* cause of the decline of the free Italian population, is one of the most interesting facts in ancient history. For it may be doubted whether the barbarian invasions ever could have been successful, had the law of population remained undisturbed in Italy and her dependencies.

Mr. Long gives nothing new on the Catilinarian conspiracy, that most mysterious of all the state crimes known to history. Perhaps he holds it a waste of time. Whether Catiline conspired against the state, or the state against Catiline, is a question about which able men differ. Much has been written upon it, without bringing it any nearer to a settlement than it was in Cicero's day. The weight of the evidence is against Catiline, but we are to remember that the evidence was never submitted to the test of a critical examination at the time when it was given. The weight of the argument is in favor of Catiline, but we are to remember that the argument is almost entirely the work of modern writers. Mr. Long, whose familiarity with the history of the times in which Cicero and Catiline lived, is not to be questioned, avoids all speculation, while his criticisms are meagre. This is hardly fair in an authority, who might at least have summed up the various arguments on both sides, for the benefit of general readers, and have left them to draw their own conclusions. Something more than bold narrative is demanded from such an author, writing on such a subject.

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Art. I. — An Erie Raid.

History scarcely affords a parallel to the rapid development of character which took place in America during the five years of the late civil war. At its close the ordinary results of long internal strife were conspicuous only by their absence. No chronic guerilla warfare was sustained in the South, and in the North no unusual license or increase of crime revealed the presence of a million of men unaccustomed to habits of industry and inured to a life of arms. Yet while these superficial indications of change would be sought in vain, other and far more suggestive phases of development cannot but force themselves on the attention of any thoughtful observer. The most noticeable of these is perhaps to be found in a greatly enlarged grasp of enterprise and increased facility of combination. The great operations of war, the handling of large masses of men, the influence of discipline, the lavish expenditure of unprecedented sums of money, the immense financial operations, the possibilities of effective co-operation were lessons not likely to be lost on men quick to receive and to apply all new ideas. Those keen observers who looked for strange and unexpected phenomena when the struggle in the field was over have indeed witnessed that which must have surpassed all anticipation.

If the five years that succeeded the war have been marked

by no exceptional criminal activity, they have witnessed some of the most remarkable examples of organized lawlessness, under the forms of law, which mankind has yet had an opportunity to study. If individuals have, as a rule, quietly pursued their peaceful vocations, the same cannot be said of certain single men at the head of vast combinations of private wealth. This has been peculiarly the case as regards those controlling the rapidly developed railroad interests. These modern potentates have declared war, negotiated peace, reduced courts, legislatures, and sovereign States to an unqualified obedience to their will, disturbed trade, agitated the currency, imposed taxes, and, boldly setting both law and public opinion at defiance, have freely exercised many other attributes of sovereignty. Neither have the means at disposal proved at all inadequate to the ends in view. Single men have controlled hundreds of miles of railway, thousands of men, tens of millions of revenue, and hundreds of millions of capital. The strength implied in all this they wielded in practical independence of the control both of governments and of individuals; much as petty German despots might have governed their little principalities a century or two ago. Thus by degrees almost the whole of the system of internal communication through the northern half of the United States has practically been partitioned out among a few individuals, and, as proximity, or competition on certain debatable grounds, — the Belgiums of the system, — brought the interests represented by these men into conflict, a series of struggles have ensued replete with dramatic episodes. No history of the present time will be complete in which these do not occupy much space, and any condensed record of them has, therefore, much more than a passing value. Not history in itself, it contains the material of history; yet the thread of these episodes is so difficult to trace, lying concealed in such dull volumes of evidence and records of the law, or preserved only in the knowledge of individuals, that unless it be found at once it is in danger of being lost forever. The speedy oblivion which covers up events that, for a time, fasten public attention and seem big with great results, is indeed one of the noticeable indications of the times. The practical experience of this fact has tended greatly to

encourage all sorts of violations both of law and of morals. There seems no longer to be any Nemesis to dog the evil-doer. Men are to-day in all mouths infamous from active participation in some great scandal or fraud, — some stock operation or gambler's conspiracy, some gold combination or Erie Railway war, some Credit Mobilier's contractor's job or Hartford & Erie scandal, — and to-morrow a new outrage, in another quarter, works a sudden condonation of each offence.

Nothing could more fully illustrate the rapidity with which such episodes as those referred to are forgotten than the complete oblivion into which the struggle in 1869 for the possession of the Albany & Susquehanna Railroad has fallen. This contest, marked by legal scandals almost unparalleled, and actually resulting in an attempt at armed warfare between corporations, though not yet finally passed upon by the courts, is fairly forgotten by the world. It was, however, not without elements of a permanent interest, though no consecutive account of it has yet been attempted. The following narrative, drawn almost exclusively from the sworn evidence and official records in the case, probably presents the story with as near an approach to accuracy as is now likely ever to be arrived at.

The business of transportation by rail naturally divides itself into the two great elements of through and local traffic. The Erie Railway was especially constructed with a view to through traffic, and the New York Central, though originally consisting in a chain of disconnected local roads, through the force of circumstances and by a natural process of development, early became one of the great trunk lines of the continent. The Albany & Susquehanna, on the contrary, was designed by its projectors as a purely local road. As such its history could never have been a very interesting one, except to its projectors and owners. It happened, however, to occupy a bit of debatable territory between the two great trunk lines just mentioned, and hence derived its importance. New England has always been in railroad history a sort of an appanage of the Central Railroad of New York. Both freight and passengers passing to and fro between Boston and the West naturally took Albany on their way, and the Central Road, monopolizing as it did the

one natural gap in the mountain ranges which divided the interior basin from the sea, looked upon this traffic as its inalienable property. The Albany & Susquehanna Railroad started from this eastern terminus of the Central, and was intended to open it to the Erie at the city of Binghamton, some one hundred and forty miles from the point of departure. In the early days of the enterprise through traffic was less regarded by railroad managers than it now is, and the future significance of this link in their system was hardly realized by either of the great trunk lines. The carriage of freight was then but little understood, and grades were of far greater importance than they now are. Valley roads, it was supposed, might safely ignore the mountain track. This the Albany & Susquehanna certainly was. The region through which it passes is very broken, though it ranks among the finest of the agricultural districts of New York. Starting from that point where the great Alleghany range gradually sinks away into the valley of the Mohawk, the road skirts the base of the heights of Helderberg, an outlying spur of the Catskills, famous once as the seat of the anti-rent troubles, and then, passing among the large rolling hills of Southeastern New York, it gradually climbs the water-shed. The route was a difficult one, and the road was costly of construction; laid out on the broad-gauge principle, as a contemplated feeder of the Erie, it was forced to scale ridge after ridge in working its way from one picturesque valley to another, through which to find a natural roadway to its destination. The country along the line is of a hilly rather than a mountainous character, partaking more of the appearance of Vermont than of New Hampshire; timbered lands and cultivated fields alternate over the loftiest summits, and there is something peculiarly attractive in the primitive nestling appearance of the towns and villages. The road thus was projected through a difficult and sequestered region, neither wealthy nor of varied industries, opening to a new trade neither great markets nor a peculiarly active people. It encountered, therefore, even more than the average amount of those financial tribulations which mark the early history of all railroads.

The company was organized in 1852, and the work of construction was begun in 1853, with one million dollars raised

by individual subscription along the line of the road; further sums in aid of construction were subsequently received from the towns likely to be benefited by the line, which, by an act of special legislation, were authorized to subscribe to its stock; a loan of one million dollars was likewise obtained from the city of Albany, upon a pledge of the first-mortgage bonds of the company. The process of construction was, however, very slow. The work begun in 1853 was suspended in 1854 on account of the failure of the contractors; it was recommenced in 1857, and then slowly dragged along to completion, a very contractors' Golgotha. Eight times did acts extending to it the financial aid of the State pass the legislature; but they were encountered by six executive vetoes, and from this source the company realized but seven hundred and fifty thousand dollars. That the scheme was successfully carried out at all was mainly due to the good pluck and untiring industry of one man, Joseph H. Ramsey, — at once the originator, president, financial agent, legal adviser, and guiding spirit of the enterprise.

The close of the seventeenth year of corporate life found all the available means of the company exhausted, and every one connected with it, except Mr. Ramsey, thoroughly discouraged and despondent, with the twenty-two last and most difficult miles of the work yet unfinished. In this emergency the company once more looked to the State for assistance. Through the management of Mr. Ramsey, who had himself in former times more than once assumed the duties of a State legislator in behalf of the enterprise, the necessary act was passed. Most unexpectedly it encountered a veto, the sixth of the series. With an empty treasury, with heavy payments to contractors and on account of interest already due, and with other similar payments rapidly maturing, — with bankruptcy staring him in the face, and with all sources of supply apparently exhausted, — under all these disheartening aspects of the case Mr. Ramsey did not despair. The company had in its safe two classes of securities and two only on which the further necessary loans could possibly be effected. It had a portion of its own second mortgage bonds and some nine thousand shares of its capital stock, on which various instalments ranging from ten to forty per cent had been paid by the original subscribers. This stock

and the subscriptions upon it had subsequently been declared forfeited by a vote of the board of directors, with the consent of the holders, for the non-payment of the balance of subscriptions. A law of New York prescribed that no railroad should issue its stock for less than its par value. This law, however, the courts had held did not apply to forfeited stock in the treasury of the company. The difficulty in the case was not in putting the stock on the market, but in finding a purchaser for it when it got there; it had no market price; as an investment it ranked far from high, and, unlike the Erie, it had at this time no value for "speculative purposes." Under these circumstances it seemed possible to the directors to make this one of their two securities available only as a make-weight, — a *douceur*, it might be said, to the other. Two loans were effected accordingly, under a resolution which received the unanimous approval of the board of directors on the 3d of June, 1868. The first was with Azro Chase, who became the purchaser of fifty thousand dollars of the second-mortgage bonds at seventy per cent of their par value, with the additional right or option of taking at any time three hundred shares of the forfeited stock at twenty dollars per share. This loan was negotiated through one of the directors of the company named Leonard, acting as its financial agent, and amounted to the sale of eighty thousand dollars, in the nominal securities of the company, for the sum of forty-one thousand dollars in cash. Two hundred shares of the stock, as it afterwards appeared, passed into the pockets of the director and financial agent as a species of brokerage commission. The second loan was negotiated by Mr. Ramsey himself with Mr. David Groesbeck, the head of a well-known brokers' firm in the city of New York, and formerly the business associate of Mr. Daniel Drew. This loan was upon terms somewhat more favorable to the company than the other, and there were no indications of brokerage in the case. The company received five hundred and sixty thousand dollars, and pledged as collateral its second-mortgage bonds at seventy per cent, with the privilege of purchasing them at any time within eighteen months at eighty, and a similar privilege as regarded twenty-four hundred shares of the forfeited stock at twenty-five dollars per share. In other

words, if the lenders availed themselves of the option, as they subsequently did, securities to the nominal value of one million and forty thousand dollars were sold to them for seven hundred thousand dollars in cash. This must certainly be considered as a very advantageous bargain for the company; thirty per cent is a large profit, but it here represented a very unusual risk. Both of these loans received the unanimous sanction of the board of directors, and that to Groesbeck played a most important part in the subsequent struggle for the possession of the road.

With the money thus raised the enterprise was at last carried through, and, on the 15th of January, 1869, seventeen years after the organization of the company, the cities of Binghamton and Albany were brought into direct communication. Meanwhile those seventeen years of construction had greatly altered all the conditions of that railroad system of which the Albany & Susquehanna Railroad was now for the first time to become an integral part. In 1853 both the Erie and the Central were but feebly entering on their great careers. The Erie was just completed to Dunkirk; the Central was not yet consolidated; the whole receipts of the first were but one third part of what the completion of Mr. Ramsey's road found them, while, during the same interval, the receipts of the last had swollen from less than six millions per annum to considerably over fifteen. As for the men who managed the great trunk lines when Mr. Ramsey had completed his work, their names had never been mentioned in connection with railroads when he began it. In fact, the whole aspect of the problem had changed. In 1853 all the roads in the country were local roads; in 1869 no local road was suffered to exist, unless the great through roads were satisfied that it could serve no purpose in their hands; nay, more, unless they were also satisfied that it could serve no purpose in the hands of their competitors. When, therefore, the projectors of the Albany & Susquehanna line had completed it to Binghamton, they suddenly found themselves involved in all the complications and controversies of an intricate system. The intended local road was an element of strength or a source of danger not to be ignored by the managers of the great trunk lines.

Messrs. Jay Gould and James Fisk, Jr. had at this time already succeeded in firmly establishing themselves in the practical ownership of the Erie Railway. Mr. Daniel Drew, some six months before, had been driven out of its treasurership, and even Commodore Vanderbilt had been compelled by fair means and by foul to abandon all idea of controlling its management. Of the two men now in possession of this great thoroughfare, of their personal character and of the means by which they procured and were prepared to perpetuate their power, it is unnecessary here to speak. Certain things may be assumed as matters of common notoriety. It is safe to say that the individuals just named, and the events in which they have been prominent during the last few years, have earned for them and for certain elements of our age and country a world-wide infamy which will for years render their formal introduction to readers of average information wholly unnecessary. When the Susquehanna Road was completed it became at once a most important element in the successful prosecution of the plans of Messrs. Gould and Fisk. It was so from two points of view, — either as regarded their competition with the Central Road for the carriage of the produce of the West to New England; or, still more important, as regarded their competition with other agencies for the carriage of coal to the same region. The anthracite coal deposits of America lie but a short distance to the south of the Erie Railway. Disappointed in the hope of successfully competing with the Central Road for the carriage of the produce of the West, convinced at last by hard experience that the more of this business the road undertook to do the more hopelessly bankrupt it became, the Erie managers had more and more turned their attention to the business of transporting coal. In this also they were subject to a very sharp competition, particularly from the wealthy companies which themselves owned the coal-beds, and which now proposed to supplement their business as colliers with that of carriers also. This by no means met the views of the Erie people. They were now entering into vast contracts with various coal companies to haul many hundreds of thousands of tons per annum; they naturally wished to extend their connection, as by doing so they accomplished two ends,

— they shut the coal companies up in their mines, making them dependent on the Erie Railway for access to their markets, and at the same time they secured to themselves a monopoly in so far as the consumers were concerned; they, in fact, placed themselves as an indispensable medium between producer and consumer. The Albany & Susquehanna Road might well develop into an independent and competing line; hence they greatly coveted the possession of it. By it they would not only secure an access to Albany, but would forge the link which was to unite the Erie with a whole network of roads running north and east from Albany throughout coal-consuming New England.

It is wholly unnecessary to dwell upon the public considerations which rendered it unadvisable that the adventurers then representing the Erie Railway should be intrusted with a practical control over the winter supply of such an article as anthracite coal. However amiable or otherwise they might be in their domestic characters, their course had not been such as to make unprejudiced observers anxious to repose in them so delicate a duty as that of sole purveyors at any season of an article of prime necessity. The coal companies naturally did not look with any favor at a policy which threatened their lines of communication. Finally Mr. Ramsey, as the controlling influence in the Albany & Susquehanna management, neither desired to surrender the independence of his road, nor, in view of the recent experience of others, did he impose implicit faith in either the verbal or written assurances or obligations of the Erie representatives. Possession was with them considerably more than nine points of the law, and Mr. Ramsey evinced a marked repugnance to surrender the property intrusted to his charge into their possession, regardless of any liberal promises held out as to subsequent beneficial results, public and private, likely to ensue from his doing so.

The position of Mr. Ramsey in his own board of direction was not, however, perfectly secure. Certain enmities and jealousies had, little by little, not unnaturally grown up along the line of the road, and, at the election of directors in 1868, a ticket had been chosen partly in the opposition interest. What these parties represented when they came into the board

it is difficult to say; it may have been a restless feeling of discontent at the slow progress of the enterprise, or a vague desire for change; or, perhaps, a personal dislike and mistrust of Mr. Ramsey. Whatever the cause, the direction at the time of the completion of the road was divided not unevenly. This condition of affairs was very unsatisfactory to Mr. Ramsey. He maintained that at the previous election he and his friends had been taken by surprise; that no wish for a change in management really existed in the minds of the bulk of the stockholders; but, finally, whether it existed or not, he let it be distinctly understood that he did not intend to belong to a divided direction, and that at the coming election either he or his opponents were to go out. The materials for a lively contest for the control of the company in September, 1869, thus existed in great abundance and on all sides.

The road was completed in January, and early in June the Erie manipulators began their preparations to obtain possession of it, or, as they more graphically would have said, to "gobble" it. The stock of the road was nominally quoted at about twenty-five per cent of its par value; it was rarely bought or sold, and was supposed to possess little real value, except as representing the control of the enterprise. It was almost exclusively in the hands of three classes of owners, — the directors and those dwelling along the line of the road, subscribing municipalities, and certain capitalists who held it as security for money advanced and expended in construction. The subscription books of the company had never been closed, as but two million eight hundred thousand dollars of the four million dollars of authorized capital had ever been subscribed, and of the amount of stock which had been subscribed for, eight hundred thousand dollars had been forfeited in the manner already mentioned. Whoever desired to get possession of the property had, therefore, to obtain the control for a longer or shorter period, to include the election day, of a majority of this stock. The Erie party wishing to come in, and the opposition minority determined not to go out, thus had natural affinities to each other. But though when united they controlled a formidable minority of the whole stock, yet it was by no means the majority, and the Ramsey party was now thoroughly alive to the

danger of the situation. The plan for the approaching campaign was soon matured. Under a sudden demand for election purposes the stock, which for years had been nominally quoted at twenty, rose rapidly in July to forty and fifty, and even to sixty and sixty-five per cent. All parties were buying. The issue was, however, to be decided by stock held by municipalities, and it was to the control of this that the greatest efforts were devoted. Here lay the stronghold of the Ramsey party; and here they felt secure, for the law authorized the town commissioners, who held this stock as trustees, to sell it only for cash and at its par value, and forbade them to sell it for less unless specially authorized to do so by a town vote. This was a point which it seemed hardly likely to touch. Suddenly, and to their great dismay, Mr. Ramsey and his friends heard of agents out among the towns offering the commissioners par for the stock, provided the offer was accepted at once. Naturally this was a great temptation to commissioners who represented towns which grievously felt the weight of railroad loans. These men were suddenly called upon to accept or reject, on their own responsibility, an offer which, a few days before, would have seemed incredible, but the acceptance of which, while it would relieve the town of debt, would also deprive it of all voice in the management of the road waited for so long. In a number of cases the commissioners considered it their duty to accept the offer, and the control of several hundred shares was in this way secured. The Ramsey party was thus forced into the field, and the stock of towns rose to a premium. This process, however, involved a very considerable outlay of money and no inconsiderable risk of loss. Buying up a majority of the stock was altogether too much like paying for a road. Why should that be obtained at great cost which could equally well be got for nothing? Stimulated by the passion which Mr. Fisk has happily described as an inherited disposition "to rescue things out of somebody else," one Sunday afternoon, early in August, a party of gentlemen met at the Fifth Avenue Hotel in New York and arranged a new plan, involving the certain transfer of the road into their hands, but avoiding the necessity of further pecuniary outlay. A negotiation was successfully concluded for the purchase of four hun-

dred and fifty thousand dollars of the stock of various towns on the following terms: no money was to pass, but the bonds of Messrs. Gould and Fisk were given, binding them to purchase and pay for the stock after the election, provided the commissioners should at the election vote as the givers of the bond should direct. The legal effect of such an arrangement may well have escaped the town commissioners, but Messrs. Fisk and Gould had not as a rule up to this time been found deficient in matters of technical nicety. These bonds had no binding force whatever. It was not a sale for cash, it was contrary to law and to public policy; it was an arrangement wholly beyond the powers of the commissioners to make, and one which the courts would not sustain. The commissioners who accepted these bonds and who subsequently did vote as those who gave them dictated, were public officials; as such their duties were prescribed and were sufficiently simple; they could sell, and they could vote, but if they sold it was to be for cash down, and if they voted it was to be on their own judgments and not on those of other people. In this case, indeed, what security had they that, after they had voted the road into the hands of the Erie managers, the conditions of the bond in regard to the purchase of the stock would be fulfilled? As a matter of fact they did vote as they agreed, but nothing further was ever done to complete the transfer of the stock.

Events now moved rapidly on both sides. On the 3d of August the certificates of town stock were presented for transfer. It was a new question; Mr. Ramsey was away, and the treasurer hesitated. Finally, all stock sold for cash and paid for by either side was transferred; but the transfer was denied where, in the opinion of the treasurer, the transaction was not completed. It was evident they were pressing the Ramsey party heavily. It now occurred to Ramsey that the subscription-books had never been closed, and that twelve thousand shares of the capital stock of the company were as yet unissued. On the 5th he took the subscription-book home with him, held a meeting of a few of his friends, and, among them, they wrote down their names for nine thousand five hundred shares of stock. It was fully understood that this subscription bound those who made it to no immediate payments; ten per

cent was to be paid in at once, and for this Ramsey was to provide; the remainder would only be called in as should be ordered by the board of directors whom this very stock would elect. Meanwhile, if any of the subscribers desired to get rid of their stock, Ramsey undertook to relieve them of it. That this subscription, made by directors in secret on the eve of an election, and with a view of affecting that election, should have subsequently been held legal is open to criticism; its good faith even might well have been suspected; but that, on grave consideration, it should be justifiable is perhaps as severe a censure as could be passed on the condition of affairs existing in the community in which it was made. Yet, under the circumstances, unnecessary and unfortunate as the step afterwards proved to have been, Mr. Ramsey and his friends were justified in taking it. It is simply necessary to refer to those who now sought to obtain control of the Albany & Susquehanna Railroad. Their position in the community, their standing in the courts, their financial and fiduciary relations, were notorious. They had reduced society to a condition in which any man brought into conflict with them could not but realize that he had only himself to rely on, that a species of Lynch law prevailed, and that might and possession alone counted for anything. The first duty of Mr. Ramsey then, unquestionably, was to keep the property intrusted to his charge out of the hands of those men; this every consideration of honor and of responsibility bound him to do at any cost and by all legal means, certain that, whatever he might scruple at, his opponents, once in control, would scruple at nothing. This step was legal, and, however questionable in many aspects, Mr. Ramsey and his friends were justified in taking it, provided they made their subscriptions in good faith to their company, and held themselves responsible for them. At best, however, it was an error in judgment. By it Mr. Ramsey sacrificed much of the strength of his position, which lay in the fact that he was fighting men who had set the most infamous precedents ever known for transactions of a not dissimilar character. As usual in dealing in measures of questionable right and expediency, one doubtful step soon led to another which admitted of no doubt.

Ten per cent on the amount of the subscriptions had at once to be provided, and that, too, by Ramsey, whose resources were already strained to the utmost. Again he had recourse to Groesbeck, and drew on him for $100,000; he had also subscribed for more stock in Groesbeck's name. The subscription, involving as it did further possible calls to the full value of the stock, Groesbeck politely declined; the draft he honored, receiving as collateral for it a deposit of $150,000 of the equipment bonds of the Albany & Susquehanna Railroad Co., which belonged to the road, and which Mr. Ramsey procured from the treasurer for the purpose of so pledging them. The ten per cent of the subscription was thus paid in, and the nine thousand five hundred shares were placed on the books of the company to the credit of the nominal subscribers, each of whom gave him a voting proxy for the coming election. Months afterwards Mr. Groesbeck defended this transaction, and declared that, under the same circumstances and fighting the same men, he himself would have gone as far, and further too, if necessary. The proceeding was, however, none the less indefensible. The securities which had thus been misapplied were shortly after, at Groesbeck's own suggestion, returned to the officials of the company, and their place supplied by securities of inferior value; and as for the stock, it was never voted on, and the issue of it only served to endanger the case of the Ramsey party.

This took place on the 5th of August, but already the usual storm of judicial orders and injunctions had begun. The stock of the towns being, so far as possible, secured, the next blow was directed at the stock reissued and held as collateral. Two blocks of this were outstanding, — one in the hands of Chase, the other in those of Groesbeck. On the application of Messrs. Gould and Fisk's counsel, an injunction was issued by Mr. Justice Barnard, of the Supreme Court, forbidding any votes being cast upon this stock, and ordering its transfer to a receiver pending judicial investigation; all this upon the ground that the stock was unlawfully issued. The books were to close upon the 7th, the order was procured on the 4th. While this was going on in the city, the Ramsey party was not idle in the country. On the same day they appeared before Judge Parker

of Owego and commenced a suit, resulting, of course, in the inevitable injunction, by which all parties were restrained and enjoined from transferring on the books of the company seven hundred shares of stock belonging to the town of Oneonta, and which the Erie party claimed to have purchased. No sooner did the news of this move arrive in New York, than Mr. Thomas G. Shearman, a member of the firm of Field, Shearman & Co., and one of the most trusted legal advisers of those now controlling the Erie Railway, was despatched to Owego, where he succeeded in getting the injunction dissolved. Hitherto the engagement had been at long range as it were, but it now lacked a few days only of the date when transfers previous to the election were to cease; it was time for close quarters. Not content with the success of his defensive operations, the Erie counsellor at once assumed a vigorous offensive. Two new suits were initiated, — one to compel the immediate transfer of that very Oneonta stock which the company had just previously sought to prevent; and the other, a more vital thrust still, sought to restrain Ramsey himself from the further performance of his duties as president of the company. It is almost unnecessary to say that both the desired orders were almost immediately obtained. The board of direction was divided into two hostile camps exactly equal in strength, — they stood seven to seven. The suspension of Mr. Ramsey thus turned the scale and placed the Erie opposition in the majority. It remained only to call a meeting of the directors, over which the vice-president, whose sympathy with the Erie movement was pronounced, would preside, and this meeting would vote out of office the present treasurer, who hesitated about the desired transfers, and would replace him by a suitable successor. Absolute control of the books thus secured, the election might be regarded as a mere matter of detail. All the day of that meeting the offices of the company swarmed with indignant directors and opposing counsel; angry words passed, loud threats were uttered; the suspended president was informed that his presence was undesired, and the unsuspended vice-president showed a strong disposition to assume also the duties of treasurer in so far as these involved the entering of transfers and the issuing of certificates of stock.

At last a sort of tussle took place over the books, and then the police were called in, who established an angry truce. All this took place on the 5th; on the 7th the books were to be closed.

The control of those books it was well understood implied the control of the road. The presence of James Fisk, Jr., and of Jay Gould in the struggle was no mystery, and the officers of the road could not fail to recall how, only a few months before, the vault of the Union Pacific Railroad had been forced, in a vain search for the books of the company, under cover of a judicial process and at the dictation of these very men. That the records were not in safety while in the offices of the corporation was notorious. That night, in the presence of counsel, and with the knowledge of the treasurer, they were removed from the building. The law guaranteed to stockholders access to the books of the corporation; the judicial abuse of the processes of law had converted this right into a facility for fraud. Whether those who would now insist upon the right were likely to avail themselves of that opportunity was a question in regard to which recent experience in other quarters might warrant the formation of an opinion. In any case the books were now surreptitiously removed under the advice of counsel, and the action of the officials who assented to this removal was indorsed by public opinion, and, throughout the subsequent proceedings, was not censured by the courts.

The next day the opposition wing of the direction met and organized with the vice-president in the chair. Just as they were proceeding to business, however, an attorney of the other wing quietly entered the room and served upon four of those present a new judicial order, restraining them from acting as directors of the company, or from interfering with its affairs. This unexpected move, leaving them without a quorum, fell like a thunderbolt on the Albany members of the Erie party, and they precipitately retired from the field and took the first train to New York in search of counsel and assistance.

Reaching the Grand Opera House and the offices of the Erie counsel, the fugitives laid their position before Mr. Shearman. The quick eye of that gentleman at once took in the whole situation, and he was not unequal to the emergency. The president,

vice-president, and a majority of the board of direction were now suspended, and the Albany & Susquehanna Railroad was suspended with them; every one was enjoined; there was no one authorized to give an order or to pay out a dollar; chaos was come again. Recognizing the fact that a court of equity had done this mischief through the exercise of one of its powers, Mr. Shearman was inspired with a conviction that the same court must repair it by the exercise of another power, — injunctions had occasioned the dead-lock, a receivership must dissolve it. A new suit was at once commenced, the complaint in which set forth the existing condition of affairs, and prayed for the appointment of receivers who should operate the road, and so avert the disastrous consequences otherwise sure to ensue. This paper was drawn up by Mr. Shearman at his office in the Twenty-third Street Opera House, on the afternoon of Friday the 6th of August. It was not ready for signature until the hour of 10 o'clock, P. M. The Grand Opera House is not in the immediate vicinity of any court of law, nor do judges generally frequent their court-rooms at late hours on August evenings. The private residence of Mr. Justice Barnard was on Twenty-first Street, at least half a mile away, and on the morning of this day the Justice himself was at the bedside of a dying relative in the country. Telegraphs from Mr. Fisk had, however, reached him there, and now, by rare good fortune, he happened to be in the immediate vicinity of the Opera House at this very time, and the surprisingly brief period of fifteen minutes thus sufficed to go through all the forms and make all the inquiries necessary to satisfy the judicial mind in regard to so trifling a matter as the receivership of some one hundred and fifty miles of railroad, involving millions of capital. His signature was at once secured to an order appointing Charles Courter, of whom he probably knew absolutely nothing, and James Fisk, Jr., of whom he undoubtedly knew a great deal, receivers of the Albany & Susquehanna Railroad Co. It is wholly unnecessary to criticise this order. It reflects the highest credit on the energy of all concerned: it speaks volumes. The law's delay is an ill of which the citizens of New York, certainly, have no cause to complain, at all times and under all circumstances.

By half after ten o'clock all was settled, and at eleven the

two receivers, accompanied by a select body-guard of directors, friends, and lawyers, were on their way by the night train to take possession of their charge. Their opponents had, however, already got an inkling of the summary process impending over them from New York, and, while Mr. Shearman was busy with the preparation of his order in the Grand Opera House, other counsel were no less busy in the opposing camp at Albany preparing a counter-order, appointing another receiver in their own interest. This, when completed, was duly submitted to Mr. Justice Peckham, of the Supreme Court of the Albany district, between nine and ten o'clock of the same (Friday) evening. The signature of this magistrate was affixed to it, and a Mr. Pruyn of Albany was by him appointed receiver of the Albany & Susquehanna Railroad Co. It was close work. Each order took effect when signed, and there certainly was no delay in their preparation, and even less in procuring signatures to them. The evidence seemed subsequently to indicate that the Albany receivership had about one hour's priority in time; it had, however, one hundred and fifty miles of distance in its favor, and the great weight which attaches to possession as an element of success in litigation has long since passed into a proverb.

Thus, on Saturday, the 7th of August, everything indicated a collision of forces. No sooner had Receiver Fisk reached Albany, and received the reports of his scouts, than he hastened with his friends to the offices of the company. He arrived there towards eight o'clock. In spite of this praiseworthy activity on their part, Messrs. Fisk and Courter, on proceeding to take possession of the premises, encountered a somewhat unexpected obstacle in the person of a Mr. Van Valkenburg, the superintendent of the road, who, upon being informed of their errand, announced that he was already in possession under the orders of Receiver Pruyn, and further intimated that he did not propose to abandon it. A very amusing and somewhat exciting scene then ensued. The junior appointee of Mr. Justice Barnard presented his papers to the superintendent, seated himself on the table, announced himself as Mr. James Fisk, Jr., of New York, come to take possession and prepared to do so if it required "millions of money and an unlimited number of

men." He further added that this was his twenty-sixth raid of the same character, and that he proposed "to take you fellows"; to all of which Mr. Van Valkenburg pleasantly replied that he "hoped he would have a good time doing it." His companions Mr. Fisk introduced as his "boys," and invited them in to possess themselves. Quite a lively colloquy ensued, which was not satisfactory to Mr. Fisk, who from words gradually proceeded to overt acts, and finally ordered his "boys" to put the other "boys" out. Unfortunately the preponderance of force was not on his side. Instead of ejecting his opponents, he was summarily ejected himself, and, after being ignominiously and very roughly hustled down stairs, he found himself in the street in a very dishevelled condition. Nor did his discomfiture stop here; no sooner did he reach the pavement than he was arrested by a fiery little individual, claiming to be a policeman, and ignominiously marched off to the station-house. As no complaint was preferred he was speedily released, but probably not until he had discovered that his arrest, like his ejectment, was the work, not of a policeman, but of an employee of the company. No sooner was he again a free man than he returned to the charge. Mr. Pruyn was now at the offices in person, claiming to be in possession as receiver, and a crowd of lawyers, officers, and parties in interest had assembled. The heads of the opposing factions met face to face. No further riotous demonstrations were attempted, but, pending advices from New York, Mr. Fisk kept up the semblance of a possession. He evidently bore no ill-will to Mr. Van Valkenburg, on account of the rough treatment of the morning, as he even went so far as to compliment that gentleman on his display of energy, and to signify a desire to extend to him his personal favor. As to Mr. Ramsey, Mr. Fisk, as a happy solution of existing complications, suggested that the possession of the road should be decided, not as of old by a personal contest between the heads of the opposing factions, but by the goddess of chance, or whatever other divinity may preside over the issue of a game of "seven up"; and, with such interchange of amenities and pleasant sallies of wit, with now and again the service of some notice or order of court, and perhaps an injunction or two, the *protégé* of Barnard beguiled the weary monotony of the day.

The cessation of active hostilities did not last long. The discomfiture of the morning had been at once telegraphed to Mr. Shearman, in the recesses of the Grand Opera House, and that gentleman had forthwith proceeded to discover and apply the suitable remedies of the law. Recourse was at once had to Judge Barnard, and a most unusual and indeed wellnigh antiquated writ was exhumed to meet the emergency. In the first place a new and sweeping injunction was applied for, and, of course, immediately granted, by virtue of which Mr. Receiver Pruyn, the sheriff of the county, the Albany police, and all the railroad employees, were restrained from any interference with Receivers Courter and Fisk. Not satisfied with this, a writ of assistance * was likewise ordered to issue, by which the sheriff, and, if need be, the *posse comitatus*, was placed at the disposal of Messrs. Fisk and Courter. This was a sufficiently unusual proceeding, but the service of the process was so extraordinary that the ordering it was at once reduced to the commonplace. Now, probably for the first time on record, both injunction and writ were forwarded to their destination for service by electric telegraph. That afternoon officers in Albany actually undertook to serve upon parties to a suit processes which had been issued in New York not an hour before, on the strength of affidavits as to facts which had that day occurred in Albany. In place of making service with the original, bearing the seal of the court and the signature of the judge, the very ink of the copies which the officers had in their hands was not yet dry. Of course such a service was contemptuously disregarded, nor did the sheriff presume to insist upon it.

It was now afternoon and it was very evident that nothing further could be effected this day; both parties, however, claimed to be in possession, and neither would yield the ground. Finally a species of truce was arranged to hold good over the coming Sunday. A representative of each party was to be left in the offices, and, before nine o'clock of the

* "Writs to the sheriff, to assist a receiver, sequestrator, or other party to a suit in chancery, to get possession, under a decree of the court, of lands withheld from him by another party to the suit. These writs, which issue from the equity side of the Court of Exchequer, or from any other court of chancery, are at least as old as the reign of James I., and are still in common use in England, Ireland, and some of the United States." — *Quincy's* (*Mass.*) *Reports*, p. 396.

coming Monday, no act of hostility, open or covert, in so far as possession was concerned, was to be attempted by either side.

The interval of Sunday was passed in active preparation. While the representatives of the receivers tarried in the deserted offices, the principals themselves were busy with their plans of campaign. Mr. Fisk and his friends among the directors retired to New York to get advice and the originals of the telegraphed writs; Mr. Pruyn and the Ramsey party stoutly prepared themselves in Albany for such trials as the morrow might bring forth. The issue now presented was, in plain language, one simply of judicial nerve. It was a conflict between the judiciary of New York City and that of the country. The system of electing judges by the popular vote had at last brought forth bitter fruit, and men had been elevated to the bench who should have ornamented the dock. These selections did not perhaps extend beyond one or two districts out of the eight into which the State was divided, but each of the thirty-three judges who composed those eight courts exercised throughout the State the extensive and delicate powers of a chancellor. All were magistrates of co-ordinate powers, and technically of one court; an order made by one could be dissolved by another, an officer appointed by this magistrate could be suspended in the exercise of his duties by that, what one justice could do the next could undo. Everything under such a system depended on judicial respect for judicial action; courtesy and confidence were the essence of it. All these had, in certain quarters, now long passed away. The judges of the country had felt bitterly the discredit brought upon the common bench by the action of more than one judge in the city; there were among them those who had been deeply mortified by a contemptuous disregard of their process. Hence a conflict had become inevitable, and nowhere was it so likely to arise as out of the litigations originating with the managers of the Erie Railway. A peculiar discredit had now long attached to these, and certain names, both on the bench and at the bar, were always associated with them. There are facts which are of public notoriety; the community recognizes them and no justice can ignore them. When, therefore,

James Fisk, Jr., was appointed, as a matter of course, by Judge Barnard, receiver of a railway, no part of which lay within a hundred miles of that magistrate's judicial district, and when this appointment was made on the eve of a contested election for directors of that railway, and must have been decisive of the contest, then, at last, a case was presented which could not be ignored. The conflict was not likely to be a pleasant one. Recent proceedings in other causes had indicated with sufficient clearness the lengths to which certain justices of the first district were not indisposed to go. Neither the scandal certainly involved, nor the defeat not unlikely to ensue, were pleasant to contemplate; but the stand must be made. Circumstances had already designated Judge Peckham of Albany as the magistrate to whom the Ramsey people must almost necessarily have recourse. The public estimation in which this gentleman is held was shown by his election, shortly after the events here narrated took place, as one of the new Court of Appeals organized under the judiciary clause of the rejected Constitution of 1869. The scandal which arose out of the Albany & Susquehanna case most materially contributed to the adoption of this single clause. It is probable, therefore, that the action of Judge Peckham on this occasion had a direct influence on his own future elevation; it certainly received the public indorsement.

Receiver Fisk might confidently be expected back, well armed with injunctions and with the original of his writ of assistance on Monday morning. It was necessary that Receiver Pruyn should be prepared to meet him. The last New York suit had enjoined the Albany receiver from any interference with the New York receivers, and had been accompanied by a writ of assistance. This was now met in the usual way. A new Albany suit enjoined the New York receiver from any interference with Mr. Pruyn, and at the same time an order was issued by Judge Peckham restraining the sheriffs from taking any action under the writs of assistance. It was further sought to punish Mr. Fisk for a contempt of court in interfering with its receiver on the previous Saturday, but this the judge held it necessary to send to a referee to take evidence and report. A temporary injunction was granted, and

Mr. Fisk was ordered to appear and show cause on the 13th why this should not be made permanent. Such were the legal complications encountered by Mr. Fisk on his return to the scene of his labors early on Monday morning. He had left New York on the boat the evening before, in company with fifteen friends and advisers, and was fully prepared for vigorous operations. The condition of affairs did not look propitious. He was distinctly checkmated at Albany, and the order checkmating him and forbidding the sheriffs to interfere to put him in possession, was already on the express-train which had left Albany at eight, A. M., and would be due in Binghamton, at the other end of the coveted road, at three o'clock that afternoon. A party to a conflict, however, who operates by steam, is at a manifest disadvantage when acting against one who despatches writs by telegraph. In the present case Mr. Fisk, baffled at one end of the line, went vigorously to work a hundred and forty miles away at the other end of it. While the express-train was toiling along to Binghamton, enjoining as it went all sheriffs and others from paying any attention to his writs of assistance, the telegraph was flashing those writs direct to Binghamton, and commanding that immediate possession should be given to his representatives. Accordingly just before two o'clock, and as the afternoon train for Albany was on the point of leaving Binghamton, the sheriff of Broome County made his appearance, and, by virtue of a writ of Judge Barnard's, fresh from the telegraph wires, proceeded to take possession of all the property of the Albany & Susquehanna Railroad Co., including the train then standing at the station. Three locomotives belonging to the same company were also at Binghamton. These he undertook to seize next; of two of them he obtained possession, but the agent of the road was before him with the third; for, just as he was approaching his prey, writ in hand and borne upon one locomotive, the ingenious employee suddenly switched him off, and, while his own path suddenly led into space, he saw his prize gently slide down the grade out of his reach, and there get up the steam necessary to make good its escape.

The Barnard receivers were thus fairly installed in possession of the Binghamton end of the road, of the point where

it connected with the Erie. An assistant superintendent of the Erie Railway was at once appointed superintendent of the Albany & Susquehanna, and a conductor of the same road was ordered to take out the regular train to Albany, which was still standing at the platform where it was seized. Matters were evidently approaching a crisis. Different sets of receivers were operating the two ends of the road, and two sheriffs, bearing conflicting processes, were rapidly approaching each other on trains drawn by the locomotives and directed by the officers of the hostile factions. This condition of affairs was telegraphed to the Ramsey train at Harpersville, twenty-five miles from Binghamton, and, after some consideration, it was determined to proceed no farther. Meanwhile the news of the Binghamton proceedings caused Superintendent Van Valkenburg to decide on vigorous measures. In the first place he proceeded to clear the offices of all hostile influences. Mr. Fisk had not that day been allowed within the premises. Repeatedly, in company with the sheriff and others, had he presented himself and energetically demanded admission. It was of no avail. It was different with Mr. Courter, his fellow-receiver; he had been treated with a degree of courtesy, and indeed had been permitted to sustain the character of a nominal receiver within the offices. This gentleman was, however, now notified by Mr. Van Valkenburg that the farce of a double possession was to terminate then and there. On Saturday, in the little unpleasantness with Mr. Fisk, Van Valkenburg had given some indications that he was a man of few words and decided action. The hint had not been thrown away. Mr. Courter, after a formal resistance just sufficient to establish the fact of forcible ejectment, withdrew from the premises, and the Barnard receivers abandoned every pretence of actual possession of the Albany end of the line. Van Valkenburg's next move was to telegraph an order over the road, stopping every train where it then was; all movement was thus brought to a stand. An extra train, carrying a hundred and fifty men from the workshops, under command of the master mechanic, was then sent up the road to be ready for any emergency. Having thus cleared everything away for action, the next move of the other side was in order.

The representatives of this other side were meanwhile ad-

vancing from the opposite direction; upon the train were the sheriff of Broome County, the Erie superintendent of the road, and some twenty men. As they moved along, the orders of Judge Barnard were served at each way station, the old officials of the road were displaced, and Erie men were substituted for them. So eager indeed was the sheriff in the discharge of his duties, under the electro-writ of assistance, that he not only served an order, the illegal character of which he must have more than suspected, throughout his own county, but he continued to do so throughout the adjacent county, and, indeed, seemed not indisposed to extend his bailiwick to Albany. At Afton, about thirty miles from Binghamton, a despatch was received from Mr. Van Valkenburg, notifying the party that any farther advance would be at its own peril. The Albany people were then lying at Bainbridge, six miles farther down the track. After some hesitation, which involved a great deal of rapid telegraphing and no inconsiderable delay, positive orders for an advance came to the Erie party, followed shortly after by reinforcements. It was now deep in the night, but the train at last was started and moved slowly and cautiously towards Bainbridge. The Albany party was prepared to receive it. They lay on a siding, with a patent frog — a little machine made to slide trains on to the rails, but equally calculated to slide them off — attached at a convenient point to the main track. In total ignorance of this bit of strategy, the Erie people felt their way along, when, just as Bainbridge, to their very great relief, seemed safely reached, their locomotive gently and suddenly glided off the track, and their train was brought to a stand-still. The instant this took place the Albany train moved up the siding, passed triumphantly by its disabled opponents and on to the main track below them, where it took its position in their rear, effectually cutting off all retreat. As the Erie party tumbled out of their train, they were met by Mr. Smith, one of the counsel of their opponents, who glanced at the process under which they were acting, and at once pronounced it worthless. There was no alternative; they had fallen into a trap, unconditional surrender was all that remained. This was accordingly submitted to, and Sheriff Browne of Broome County, and all his *posse comitatus*, were

helped off their train and duly served with the order of Judge Peckham, restraining them from doing or attempting anything in aid of the receivers appointed by Judge Barnard.

Having disposed of this little party by capture, and it being now broad day, the Ramsey commander decided vigorously to follow up his advantage, steaming up the road towards Binghamton. On the way he displaced the recently appointed Fisk men, and replaced the ejected Ramsey men in charge of the various stations. Everything proceeded well until the train approached the long tunnel, near Binghamton. This was the battle-ground chosen by the Erie party. Here, close to their base of operations and near their supplies, they had massed their reserves, after the total and ignominious capture of their advance guard.

The tunnel is some twenty-two hundred feet in length, and is about fifteen miles from Binghamton. It marks the last summit the road crosses in going west, and, on either side, is approached by a heavy ascending grade and round a sharp curve. The Albany party arrived at this point at about ten o'clock, and here halted. On the other side of the hill trains were bringing up workmen from the Erie shops, under the officers of the Erie Road, until Mr. Fisk's threat in regard to "any number of men" seemed tolerably certain to be verified. It was a motley collection, the control of which must have considerably puzzled the general superintendent of the Erie Railway, who found himself in command. A more unwieldy body could not well have been got together. The men were wholly unarmed, except, perhaps, with sticks, which one party was detailed to cut in the neighboring woods; they had been hastily summoned from the shops, and were ignorant as children of the crazy errand they were about, nor had they the slightest enmity towards those opposite to whom they stood in ludicrous array. This, however, was not the case with the Susquehanna people. They were now thoroughly stirred up and ready for anything. Most of them had for years been in the employ of the road, and many were personally attached to Mr. Ramsey; they regarded the effort to dispossess him as aimed also at themselves. They were, too, flushed with the success at Bainbridge, and possessed with a strong *esprit de corps*. Such be-

ing the opposing elements, they lay waiting for peremptory orders, which in any case had to come from Albany, for there both Fisk and Van Valkenburg kept their head-quarters. From time to time reinforcements came up, until by seven o'clock the Erie party was raised to an unwieldy mob of some eight hundred men, while their opponents numbered hardly less than four hundred and fifty. The Erie people now decided to try an advance, and accordingly a train well loaded with combatants was set in motion. It moved slowly through the tunnel and emerged safely from the eastern end, merely having to replace a single rail. This done, the advance was continued. Meanwhile the Albany people were fully notified of the impending danger. Accordingly, when the Erie people had replaced the rail and started they started too, and thus the first intimation the raiders had of danger was the discovery, on rounding the sharp curve, of an approaching locomotive, angrily puffing up the grade, and apparently bent on mischief. This was more than they were prepared for. Their whistle at once signalled danger, which the Albany locomotive replied to by signalling to them to get out of the way. In vain the Erie conductor jumped off his train and gesticulated like a madman; in vain the Erie engineer tried to back out of the way; the curve was here so sharp and the incline up which it was necessary to back in order to return into the tunnel was so great, that it was instantly evident, not only that the Albany people wanted a collision, but that their wish was to be gratified. Though the Erie engine could not reverse, it had stopped, and the heavy grade kept down the speed of the Albany train, so that the collision rather indicated an *animus* than inflicted an injury; nevertheless, in a moment the two locomotives came together with a sharp shock. The damage done was not great; guards and cow-catchers were swept away, head-lights were broken, and the attacking engine was roughly thrown from the track; but the collision of engines was the signal for a collision of men. Before the trains had met they were emptied of their loads. Such a system of opposition was something on which the Erie people had not counted, and when, simultaneously with the collision, the Albany men rushed upon them with loud shouts, they were at once completely demoralized,

and broke into a precipitate flight. Their locomotive, with broken lights and a pistol-bullet through its cab, vigorously reversed, until it had reversed itself out of the *melée* and back into the tunnel, while they themselves took to their heels and scampered back towards Binghamton. A few remained on board the train, a few stumbled back through the darkness of the tunnel, but the greater part, to whom their terror perhaps lent wings, scaled the mountain like a sand-hill in their flight.

Victory had again rested on the Albany banners; the Ramsey star was in the decided ascendent. While one party of the Albany men followed up the disorganized enemy, others busied themselves in getting the locomotive on the track. This was soon done, and then they, in their turn, locomotive and all, advanced through the tunnel to complete the rout of Erie. The last-named party had, however, rallied a little in the breathing-time afforded them, and were now at least equal to the task of making a very considerable noise. This, it is true, was not much, but in the growing darkness it was enough. In fact it might be said that one party was afraid to go forward, and the other did not dare to attack. The element of the ludicrous was becoming very pronounced, notwithstanding the earnestness of the combatants. Thus, as the shades of night deepened, they stood apart and defied each other with loud shouts and excessive profanity. A few conflicts of the more daring, a few scattering pistol-shots, a few wounds, none of them serious, told the whole story. Yet it was a riot and a shockingly lawless one; nay, more, it was an alarming one. It was not a sudden fight between ignorant and angry mobs: it was the attempt of two great corporations to levy war on each other with organized force. How far it might have gone cannot be said, for, in the midst of the tumult, the drums of the Forty-fourth Regiment of State Militia were heard approaching, and at this not unwelcome sound the combatants desisted. The Erie people held possession of the field. The Albany party sullenly withdrew, locomotive and all, through the tunnel, which they blocked up with a freight-car, and then, after breaking down a trestle-work or two, with a view of preventing another attack, they retired to Harpersville, where they established themselves for the night.

Meanwhile the whole State was in an uproar over the scandal of these lawless acts. All along the line of the road, and indeed almost everywhere, the feeling was strongly in sympathy with Mr. Ramsey. It could not well be otherwise; without knowing anything of the circumstances of the particular case, a strong presumption was now inevitable wherever the Erie management made its appearance in any complication. At Albany the public sentiment was peculiarly strong; meetings were held, a perfect ovation greeted the arrival of the runaway locomotive from Binghamton and the captured Erie train; crowds collected round the station, and were addressed from the cars by city demagogues on their way "to the front." At last, also, the point was reached at which, if the authorities did not interfere, the people would organize and take matters into their own hands. The militia had already been called upon by the civil authorities of Broome County and had responded to the call, and now Governor Hoffman was recalled from his summer sojourning-place by telegraph, and reached Albany at almost the very time that the Forty-fourth Regiment arrived at the scene of riot. He at once took decisive measures. Orders were telegraphed to the sheriffs along the line of the road directing them, in all cases of doubt, to treat any party in actual possession under a judicial order as being in rightful possession. The military were to be called upon only in case of extreme emergency, but, if the disorders continued, the whole district was to be placed under martial law.

In spite of these new developments, the Erie party was neither discouraged nor idle. The papers of Tuesday contained a long letter from Mr. James Fisk, Jr., setting forth at great length the magnitude of the public interests for which he claimed to be contending. The literary shortcomings of this production were excused on the ground of "quick, sharp work on a stamping ground new to me." Not content with this bid for moral support, on the evening of Tuesday, when the offices of the company would naturally have been deserted, Fisk and Courter made another effort to obtain possession of them. Armed with an order of Judge Barnard's, staying all proceedings under Judge Peckham's writ of Monday, and further fortified with an additional writ of assistance, the brother

receivers made their appearance in a carriage accompanied by the sheriff. Van Valkenburg was, however, on the ground, and, for a moment or two, things had an unpleasant look; so unpleasant indeed that Mr. Fisk now changed his tactics. Instead of bullying he attempted bribing; all the braggart confidence of Saturday was gone, and his demeanor was chiefly marked by an excessive care for his personal safety. As for the sheriff, the indications of violence were sufficiently pronounced to induce him to think it inexpedient to proceed further. Probably they would have gone away empty-handed, had not a new judicial power just then stepped into the arena. This was Mr. Justice Clute, of the Albany County Court, who issued his order directing the arrest of the Barnard receivers for conspiring to take possession of the Albany & Susquehanna Railroad by force of arms. In obedience to this order the two indignant receivers were at once taken to Judge Clute's office, whence they were not released until they gave bail for their appearance next morning. The *coup de main* was a failure; but Mr. Fisk relieved his feelings by graphically describing the attempts which had been made to assassinate him.

The next morning Judge Peckham began the day, not exactly by setting aside his brother Barnard's recent orders, but more courteously by fixing a day on which cause should be shown why they should not be vacated, and, meanwhile, granting a temporary stay of all proceedings under them. The judicial equilibrium was thus restored. At last Governor Hoffman put a final stop to the judicial farce by notifying the sheriff of Albany that he was included in the directions of the previous day. The Ramsey party, being in actual possession at Albany under a judicial order, forthwith applied to the police for protection, which was immediately granted them. Meanwhile, Governor Hoffman received information of the tunnel conflict. He at once notified the counsel that such proceedings must stop, and that some agreement must be arrived at. In due time the counsel notified the Governor, in reply, that they were utterly unable to agree on anything. His Excellency thereupon very emphatically and very properly replied that he neither knew nor cared anything for their com-

plications, but he did propose to preserve the public peace. If those interested could not agree on some other course, it only remained for him to declare the whole district in a state of insurrection, and to operate the road as a military one. This declaration produced a document, signed by all the receivers, requesting his Excellency, as a species of nondescript superintendent, mutually agreed upon, to take possession of and operate the road. This very anomalous trust was accepted by Governor Hoffman, who issued a *quasi* military order, detailing Inspector-General McQuade as his deputy superintendent, and directing him to take possession. This was certainly a fitting climax to all that had gone before. A receiver is an officer of the court. His possession is the possession of the court. The courts in this case were fighting over the control of a railroad, and were forced to ask the Executive to hold the bone of contention while the judiciary "had it out" amongst themselves. Thus the Executive, in the utter break-down of the law, had to accept a trust which did not belong to it, and proceed to perform duties which it had no right to perform, under an authority conferred by certain persons who had no such authority to confer. And all this because a man was selected in caucus and elected at the polls a judge in the first judicial district of New York, who fairly represented the moral and intellectual level of the majority of the voters who had elevated him into infamy. It was no accident; there was no element of chance in the case; it was the working of a system which produced a logical and natural result.

Though the possession of the road was thus disposed of, certain little outstanding accounts remained to be adjusted. The vacating of Judge Peckham's orders by Judge Barnard, and the staying of proceedings under Judge Barnard's orders by Judge Peckham, were matters of too common occurrence to call for notice. The interference of Judge Clute, however, a mere county judge, was something "most tolerable and not to be endured." Accordingly, on the morning of the 11th, after obtaining from Judge Barnard the usual order setting aside Judge Peckham's action of the day before, Mr. David Dudley Field, of counsel for the Erie Railway, read to the court the return of the sheriff, setting forth the resistance he had

encountered on the previous afternoon in his attempt on the Susquehanna offices. Upon his motion the court ordered a peremptory writ, not bailable, to issue, commanding the sheriff to arrest Messrs. Pruyn, Ramsey, and Van Valkenburg, and to produce their bodies in court without delay. Under this process these gentlemen were arrested that afternoon, while in the Executive Chamber, and were held in duress awaiting conveyance to New York. Of course they none of them, at this time, seriously contemplated any such journey. Recourse was again had to Judge Clute, and the non-bailable prisoners were carried before that magistrate on a *habeas corpus*. The subject was taken under consideration by him until next morning. The opponents of Mr. Fisk had shown themselves not inapt scholars, and it naturally occurred to them that processes for contempt might be made to apply to him as well as to themselves. The same thought suggested itself to Mr. Fisk, as soon as he found time to relax from the efforts incident to "quick, sharp work on a stamping ground new to him." He had once before fled to Jersey City, pursued by Barnard; he now incontinently retired to New York, terrified by Peckham. In fact, he abandoned his new "stamping ground" with great precipitation. Flying on board his own steamer, which was lying in the stream ready to serve either as an ark of refuge or a stronghold for prisoners, he was conveyed at once to New York, where he secured himself in the recesses of Castle Erie.

The next morning Judge Clute incontinently discharged the prisoners held under Judge Barnard's writ. It is almost unnecessary to say that his action was apparently in disregard of law; these proceedings throughout were open to this criticism. It was perfectly proper for Judge Clute to issue his writ of *habeas corpus;* when it came, however, to releasing prisoners held by a sheriff on a writ issued for contempt from a court superior to his own, the action of his Honor was, perhaps, more spirited than correct in practice. The prisoners, however, were released, and it only remained for the sheriff to make a return of the facts by mail to Judge Barnard. The matter was then brought once more before that magistrate, this time by Mr. Shearman. The colloquy that then took place was characteristic and well calculated to fill with terror the

hearts of Peckham and Clute, no less than of Pruyn and Ramsey. The counsel began with a comparison. Judge Peckham, it appeared, had signed certain of his orders at his office; Judge Barnard, it will be remembered, had signed his in the immediate neighborhood of a theatre. Bearing these facts in mind, one cannot but appreciate the delicate sense of honor implied in the following opening remark of the counsel: "Unlike our opponents, who invite the judge to their private office, and from which he issues his orders as if from the court, we have never sought to consult your Honor in private, and whatever we have asked has been asked openly in court, and in accordance with our firm conviction of our legal rights." The peculiarly elevated tone of Judge Barnard's court being thus established, the colloquy proceeded as follows:—

Judge Barnard. "I have been looking into this matter with some degree of care, and am of opinion that J. H. Clute, signing himself as county judge of Albany County, entertained jurisdiction of this matter as a criminal contempt, well knowing that it was a civil contempt. I am not quite sure but he should be brought before me to be punished for contempt."

Mr. Shearman. "I intend to follow these men as I have followed others. Four months ago we were in pursuit of certain parties, and they were finally overtaken as their coat-tails were disappearing behind a safe. I shall follow these men, if it is necessary and possible, to the end of time."

Judge Barnard. "I have some years to sit on this bench, and would as soon devote them to this as to anything else."

Mr. Shearman. "I am a young man also, having perhaps forty years at my disposal, and I am willing to devote them all to the pursuit of these men."

The first step in this forty years of persistent strife was thereupon at once taken by directing the sheriff to make a more detailed return. The individuals in question had, however, already fled the State, and Judge Barnard does not seem finally to have made up his mind to try conclusions with Judge Clute. Meanwhile the friends of the fugitives began to think that these proceedings had exceeded the limits of a jest. To fly the State was an ignominious thing; it seemed to imply a confession of wrong-doing; it could only be justified by the

uncertainty which existed in regard to the limits of judicial power in cases of contempt, and especially of the exercise of that power by Barnard himself. He had indicated his *animus* by his remarks in court. Resort was had to negotiation. One of the Ramsey counsel went to New York and threw himself in Barnard's way. The Judge assured him that there was no vindictiveness in his mind, and this interview led finally to some distinct understanding, reassured by which the fugitives one by one came back and presented themselves in court. After this the matter took the usual course. A reference was ordered, a mass of evidence was taken, the case dragged its slow length along, bail was reduced, a multitude of orders were issued, the wrath of Barnard gradually subsided, and, at last, the battle of the judges died away in a faint rumble of evidence, affidavits, explanations, and orders, and then was heard of no more.

One further order, and one only, was made at about this time, to which subsequent events lent a deep consequence. The Erie party had been completely foiled in its efforts to get possession of the much-coveted books. Now and again they would obtain some clew which led them to suspect their presence somewhere, but when they were sought they were gone. Agents went out of the State hunting for them, parties were examined in the State concerning them; a strange ignorance apparently existed as to their whereabouts. They seemed ubiquitous; at one time in Albany, at another in Pittsfield, and then suddenly in Troy; but always in the undisturbed possession of some friend of Mr. Ramsey. The Erie party was, in their absence, wholly unable to estimate its own relative strength as compared with that of its opponents. It was known, however, that a portion of the forfeited stock had been reissued, and now stood in the names of Groesbeck and others. Judge Barnard was therefore petitioned to appoint a receiver of this stock. The order was immediately granted, and Mr. William J. A. Fuller, an individual who had once been a clerk in Mr. Field's office, was named receiver, and directed to take immediate possession of the property. Armed with this order, and accompanied by a sheriff's officer, the new receiver proceeded at once to Mr. Groesbeck's office and demanded his

scrip. Upon Mr. Groesbeck's demurring somewhat at being deprived of his property in this summary way, Receiver Fuller proceeded to explain to him the mysterious terrors of a writ of assistance, which almost unknown process he intimated he had somewhere at hand. Mr. Groesbeck was tolerably familiar from long experience with all the usual judicial processes which are auxiliary to New York financial combinations, but writs of assistance were implements strange to him. The element of the unknown seems to have produced the desired effect, and Mr. Groesbeck delivered to Mr. Fuller certificates for nine hundred shares of stock. Under the same authority this gentleman further collected other certificates representing sixteen hundred additional shares. His duty was simply, at the most, to hold these shares pending the result of litigation as to the legality of their issue; he subsequently, as will be seen, took what may be called very enlarged views of these duties. Both parties had now gathered up their strength for the election which was to take place on the 7th of September.

It was provided in the by-laws of the company that the polls should be opened at twelve o'clock on the day of election, and should continue open for one hour; no transfers of shares were to take place during the thirty days next preceding the election; three inspectors were provided for, to be chosen each year by the stockholders; it was their duty to conduct the election; they were to be provided by the secretary with a list of stockholders entitled to vote, and to them also upon that day the transfer book was to be submitted. To this state of the law and the facts the two parties prepared to conform their plans. It was in the first place incumbent on the Ramsey party to restore the books to the offices of the company. This was done very secretly on the night preceding the election. A certain fictitious consequence was sought to be attached to the way in which this was done, owing to the fact that, when the messengers arrived with the books, instead of finding everything quiet and deserted as they had hoped, they discovered a large crowd gathered in front of the offices watching a conflagration across the river. The nature of their business was thus sure to be discovered. This was just what they wished to

avoid. After a moment's reflection it was decided to drive with the books to the rear of the building and put them in through a window. A basket and cord were found, the books were hauled up to the second-story window by the secretary, and by him secured in the safe of the company. Had the books, under the circumstances, been carried in through the front door, an officer armed with a warrant, and accompanied, if need be, by pick-locks and blacksmiths, would, in all probability, have been after them before morning. As it was, their return was a secret until it ceased to be of importance. Many unjustifiable features were assigned to the proceeding by the Fisk counsel; the one thoroughly unjustifiable one in their eyes was probably its success. It was never denied that the secretary of the company had, after the removal of the books and while they were secreted, made many entries in them. These, however, were all of transactions concluded prior to the day when the books were to be closed, and included all of those transactions, whether favoring Ramsey or Fisk. Though much was hinted in regard to these entries, during the searching investigation they were subjected to in the subsequent trial, no instance of abuse of trust was even specifically alleged, much less proved. Nor indeed is it probable in itself that any such improper entries were made, as those who made them must at the time have known that they were unnecessary so far as securing a majority of the stock was concerned.

The aspect of affairs was not, on the whole, propitious to the Erie party as the day of election drew near. Their opponents held the books, which forced them to act very much in the dark, and the inspectors of election were understood to incline to the Ramsey interest. That a majority of the stock also inclined to it was a matter of less moment. The situation was full of difficulty; but the men called upon to meet it were full of resource. Their preliminary step was naturally to lay in a sufficient supply of judicial orders. The regular inspectors must, in the first place, be got out of the way. It was ascertained that they were not stockholders; the by-laws required that the inspectors should be chosen from among the stockholders. The Fisk-Gould counsel at once applied to Judge Clerke, a colleague of Judge Barnard's, in the First

District, and that magistrate granted, as a matter of course, an *ex parte* order, restraining the inspectors from acting as such. Having obtained this process from Judge Clerke, and filed it away for use at the proper moment, the counsel next applied to Judge Barnard. They quietly commenced a suit in the name of the Albany & Susquehanna Railroad Co. against Messrs Ramsey, Pruyn, Phelps, and Smith, the president, receiver, secretary, and leading counsel of the company, to recover damages for the abstraction of its books. On this complaint they obtained from Judge Barnard, on the evening of the day preceding the election, an order of arrest against the defendants, with bail fixed at $25,000. This, be it remembered, was a judicial proceeding in New York, and not in Constantinople. Thus panoplied in orders, all parties repaired on the 6th to Albany. Mr. David Dudley Field came from the pleasant shades of his summer retreat among the hills of Berkshire, and Mr. Shearman, his associate in the practice of the law, had, for the nonce, quitted his offices in the Grand Opera House, in order himself to be at the right hand of his chief in conducting those delicate proceedings so skilfully and secretly planned in New York. The former gentleman was doubtless actuated only by a high sense of his professional duty to his clients, but Mr. Shearman may have been braced for the approaching crisis by the fell purpose he had recently avowed of pursuing even for forty years the miscreants who had failed properly to respect the orders of the distinguished magistrate with whom his own relations were such models of propriety. Having arrived in Albany, the last-named gentleman repaired at once to the capital, where he carefully informed himself as to the details of the election. This done, a general conference was held at the Delavan House, and the plan of operations was matured. The first object was to secure the organization of the meeting; that once done, arrangements of a satisfactory nature had been made to hold it. The trap was to be sprung just before the hour appointed for the election, when the regular inspectors were to be enjoined by the service upon them of Judge Clerke's *ex parte* order. The whole regular machinery being thus dislocated, a preliminary organization was to be effected, three

new and thoroughly sound inspectors were to be chosen, which would insure the control of the election and the subsequent possession of the Susquehanna Railway. Every detail was arranged, every person who was to play a part was designated and carefully taught his *rôle*. Such was the extreme caution used that Mr. Shearman himself wrote out the appropriate resolutions, and indorsed upon them the order in which, and the very second at which, they were to be offered; while Mr. David Dudley Field personally handed certain of them to the leading performers, with further verbal instruction. Early the next morning there took place one of the most remarkable comparisons of watches on record. A special messenger visited the Dudley Observatory, and obtained the exact time, which was by him communicated to every active performer in the approaching farce; or, rather, to all except the vulgar majority, to whom time was of no consequence, they being hired by the day, and constituting the fierce democracy of the occasion. These gentlemen arrived by the morning train from New York; they were a very singular party, such as is more frequently seen in the neighborhood of the riotous election precincts of New York City than in the offices of respectable corporations. A breakfast was negotiated for them by an employee of the Fall River line of steamers, which constituted "Admiral" Fisk's naval command, at the saloon in the station; and there they stood and fed at the counter, as rough a set of patriots as ever stuffed a ballot or hit from the shoulder. Some of them had coats and some had not; their clothes were in various stages of dilapidation, as also were their countenances; open shirts disclosed muscular breasts, and rolled-up trousers stockingless feet; one man saved himself the trouble of rolling up both legs of his trousers by having only one; they emphatically belonged to that class technically known as "roughs," a class subsequently defined by a witness as "men with scarred faces and noses, and black eyes." Under the circumstances it was little to be wondered at that, while they indulged in a "square meal," the keeper of the saloon gave directions to have his silver counted. Pending the feeding of the democracy, their proxies were in course of preparation; at last all was ready, and between eleven and

twelve o'clock they were marched up fifty strong to the offices of the company.

Everywhere things proceeded exactly according to plan. On his way in a carriage to the corporation offices, Mr. Shearman happened to see the injunction of Judge Clerke served on two of the three inspectors as they were on their way to the meeting. This settled two points; the injunction was a surprise, and the regular inspectors were disposed of. Judge Barnard's more important order was meanwhile sent to the sheriff, and the messenger was specially instructed by Mr. Shearman himself to hand it to him with this Roman injunction, "Sheriff, do your duty!" This instruction was given at nine o'clock, but, curiously enough, the official had to consult his lawyer about the service of the process, and this lawyer happened to be one of Mr. Fisk's numerous legal advisers; with that gentleman he remained in counsel until half past eleven o'clock, when at last he was advised to make his arrests at once. By this time all the parties were collected at the offices of the company. It might fairly be called a mixed society. Mr. Van Valkenburg had tendered to the Governor's receivers a guard of men from the shops of the road, but these had been refused, and a large force of Albany police were on duty in the building. Some thirty of the employees of the company were on hand against an emergency, but under positive orders not to enter the offices until sent for. Up stairs was a large array of stockholders, directors, real and contingent, a few receivers, and a score or two of counsel. Then came the New York importation of ruffians, who were divided into squads under the command of divers officials of the Fall River boats, the Erie Railway, and the Grand Opera House; thus marshalled, and each man proxy in hand, they were marched into the room and formed in line at one end of it. Besides these there was present a choice collection of Albanians of somewhat similar character, either neutrals or inclined to Mr. Ramsey. How they got there did not appear, but if the instructions to the police to allow no one but holders of certificates of stock to pass up stairs were enforced that day, these certificates were certainly held by a great many strange characters. The Erie party, prominent among whom were Messrs. David Dudley Field, Thomas G. Shearman, and James

Fisk, Jr., took possession of the directors' room, which their assortment of "New York stockholders" wellnigh filled; in the adjoining room were Messrs. Ramsey, Pruyn, and their friends and advisers.

Exactly at fifteen minutes before twelve o'clock, by observatory time, one Colonel North, to whom that *rôle* in the Erie parts had been assigned, moved the organization of the meeting. No opposition was encountered, and the gentleman cast for the part of chairman was duly installed. The resolve indorsed "No. 1, Immediate," was then recited by Colonel North, Mr. Shearman standing at his side watch in hand, and the old inspectors were voted out of office and the new ones in. The officers thus elected at once retired to the treasurer's room, where the poll was to be held, whither they were immediately followed by Mr. Shearman, still watch in hand; having satisfied himself that all was in readiness there, this master of ceremonies immediately returned to the side of Colonel North and resumed his comparison of timepieces. At last he said: "It is now one minute of twelve; keep your watch open and be sure that you offer these resolutions at a little after twelve, and not before; and, in order to make sure, wait a few seconds after twelve, but not more than fifteen seconds." With this parting injunction he left the Colonel to his own devices, and "at thirty seconds of twelve" returned to the inspectors' room, just in time to find an injunction served on those officials. It was issued on the complaint of David Groesbeck, and enjoined an election unless the stock held by him was first voted on. Now, at last, was developed the entire significance of the *ex parte* order under which Mr. William J. A. Fuller was made receiver of this stock. There were twenty-five hundred shares of it; Mr. Groesbeck had paid for several hundred of them; he was at that very moment in the next room; he was on every ground bitterly opposed to the Erie direction, and to the parody of an election then in process; Mr. William J. A. Fuller was the receiver of the stock, and it was to this receiver, now conveniently standing at his elbow, that Mr. Shearman turned and remarked: "An injunction has been served restraining this election from going on, unless the votes on the twenty-four hundred shares which you hold are first received, and you had better vote." Thus ap-

pealed to, Mr. Fuller modestly replied that he had not intended to vote at this election, but having been appointed receiver, he deemed it his duty to do all in his power to preserve the property, and concluded his statement by giving as a reason for his vote that the ticket which he offered was composed of men of the highest character and ability, whose election would best secure the rights of all parties to the litigation. At the close of these remarks he actually voted, and the curious spectacle was exhibited of a court of equity taking a man's stock away from him on the ground that it was illegally issued and could not be voted on at all, and then proceeding to vote on it itself, before the man's face and against his wishes. Viewed calmly and after the event, such a proceeding strikes one chiefly as an extremely droll joke. The climax of the humorous, however, was not attained until some months later, when Mr. Fuller gravely stated in court that, as a receiver, he considered it his duty to vote on stock without consulting the wishes of its ostensible owner, and that for his services as receiver in this case he had as yet received no remuneration, but expected the regular fees, amounting to $15,000. After Mr. Fuller had thus relieved Mr. Groesbeck of the trouble of voting, and after the meeting in the next room had gone through a nominal reorganization to meet the letter of the law, the polls were declared open. The inspectors were withal curiously careless, or too intent on the passage of time to think of aught else; they certainly neglected to be qualified by taking oath as to the performance of their duties, which was specially prescribed in the by-laws; neither did they use any ballot-box, other than the straw hat of one of their number. In this, however, the ballots were deposited, and the election went briskly on for some fifteen minutes, when, under the names of John Doe, Richard Roe, and James Jackson, the inspectors were again enjoined, this time from any further proceedings. Most of their tickets had, however, already been voted, and this injunction was violated by the reception of others, subsequently offered, only in a moderate degree.

Meanwhile events did not stand still in the little library adjoining the directors' room, where Mr. Ramsey and his friends were collected. The sheriff of Albany, after leaving the office

of his legal adviser, proceeded to "do his duty." As Mr. Ramsey was intently listening in the president's office to Colonel North, who was moving the organization in the next room, some one suddenly touched his arm, and he became conscious of the sheriff at his side. Here was a thunderbolt. At the very instant when his presence was most necessary, when all depended on the full possession of his liberty and his faculties, he found himself, the secretary of the company and its legal adviser, under arrest. The thing could not have been better timed. To understand the full possible effect of this move and the spirit in which it was made, it is necessary to bear in mind a remark of Mr. Shearman in his subsequent testimony: "I did n't want to lose a second's time, because I knew the value of time in this case, and I knew that the whole question would have to depend upon the question of which meeting was organized first." The officials of the road were therefore arrested just when they should have been organizing their meeting. Nor did the possible benefit to be derived from this measure stop here. The election was limited to one hour, and the sheriff was instructed "to do his duty." He might have effected his arrest at ten o'clock; but had he done so, the parties would have been bailed at once, and the arrest might as well not have been made. Having been made at exactly the right moment, the sheriff might now further construe it to be his duty to remove the prisoners to his office, there to arrange their bail. The votes on which Mr. Ramsey relied were, of course, held by him in the usual form of proxies; they were, in fact, on this day so cast by him. Could he, therefore, be held in durance, away from the offices, by any fictitious delays and objections, for one short hour, the election would be over and irrevocably decided against him. The construction the sheriff should give to "his duty" in the premises was very vital, and fully warranted his lengthy interview with that gentleman who was the common adviser of himself and the Erie Railway Company. The whole proceeding certainly spoke volumes for the ingenuity and resource of those who engineered it. In its style it could not have been improved.

Mr. Ramsey was thus a prisoner. He proposed at first to leave the room to consult his friends, but was requested by the

sheriff to remain in it, and here he was soon visited by Mr. David Dudley Field, of counsel for the Erie Railway Company, who satisfied himself that the sheriff was doing "his duty" by taking a comprehensive glance at the situation. Finding this greatly to his mind, he then proceeded, with a smile indicative of profound satisfaction and with his thumbs in the armholes of his waistcoat, to inquire of Mr. Ramsey as to the present condition of his health. Mr. Ramsey has the reputation of being a remarkably cool and imperturbable man, so that now, when his counsel, Mr. Smith, entered the room in a state of intense excitement and indignation, and also under arrest, he received simply a direction to go back and attend to the election, while Mr. Ramsey himself effected the bail arrangements. It is not clear whether the sheriff lacked nerve to construe his duty as he might have done, or whether the delay already occasioned was considered sufficient; at any rate, though he certainly arrested his prisoners at exactly the proper moment, he did not remove them from the building. He was, indeed, even provided with blank bail bonds, which were produced and filled, though not until objection had been made to the security of one or two gentlemen notoriously worth millions; and this done, the prisoners were released. All this had occupied half an hour; on the theory of Mr. Shearman it was now too late, the moment had passed; the *coup* had been completely successful. Mr. Smith had, indeed, gone back and organized a stockholders' meeting in the hall of the building; but not until ten minutes after twelve, and when the polls of the other organization had been long open. The Erie party were, in their own belief, in possession of the Albany & Susquehanna Railroad beyond a peradventure.

Before going on with the narrative, a few words may here be not out of place concerning the much-discussed question of the limits, if there be any, of the duty which counsel owe to their clients. The celebrated dictum of Lord Brougham in this regard is sufficiently general in its terms: "An advocate, by the sacred duty which he owes his client, knows, in the discharge of that office, but one person in the world, THAT CLIENT AND NONE OTHER. To save that client by all expedient means, to protect that client at all hazards and costs to all others, and

among others to himself, is the highest and most unquestioned of his duties; and he must not regard the alarm, the suffering, the torment, the destruction which he may bring upon any other. Nay, separating even the duties of a patriot from those of an advocate, and casting them, if need be, to the wind, he must go on reckless of the consequences, if his fate it should unhappily be to involve his country in confusion for his client's sake!"

Certainly no counsel could have acted more fully up to both the letter and spirit of this famous rule, than did Messrs. David Dudley Field and Thomas G. Shearman, of counsel for the Erie Railway Company, on this notable occasion. They even "cast to the wind" the single faint limitation conveyed by Lord Brougham in the words "to *save*" and "to *protect*" by all "expedient means"; and, in the intense fervor of their devotion to their clients, had recourse in aggressive proceedings to processes of law which were subsequently judicially characterized as procured "in aid of fraudulent purposes." Attending one's clients to corporation meetings, at the head of a band of "rude, rough, and dangerous persons," and there acting as the master of ceremonies, through the parody of an election, was a case which undoubtedly Brougham would have included in his definition, had it occurred to him; but it probably escaped his notice, from the fact that, since the fall of the Roman Republic, such proceedings have not been usual. The ingenious device, also, of arresting one's opposing counsel and holding him to $25,000 bail, at the moment when his professional services are likely to become peculiarly necessary, is a feature in legal amenities with which the English barrister could not have been expected to be familiar. A high authority has now, however, established these as part of the duties of the American advocate. Instances of similar devotion will, therefore, unless the now obsolete practice of disbarring should chance to be revived, probably hereafter become more common than they hitherto have been. The use of unusual processes of court, unpleasantly suggestive of *lettres de cachet*, quietly procured and suddenly brought in play, would seem also to have met of late with an undeserved odium. Whether these will again arrive at the great efficiency as an element in litiga-

tion which they once attained in France will, perhaps, depend upon the degree of fidelity with which sheriffs do their duty. For the shortcomings of such officials, advocates naturally cannot be held accountable, even by the most exacting of clients. The client, moreover, in whose defence Brougham was prepared, if need be, "to involve his country in confusion" was the Queen of England; which, indeed, cannot but cause the deeper sense of a professional devotion, no less reckless, exerted in furtherance of the schemes of Mr. James Fisk, Jr.

To return from this abstract digression to the narrative, little remains to be said of the election after the release of Mr. Ramsey was effected. While bail was being procured, and the necessary bonds executed, a second meeting had been organized by Mr. Smith in the hall before the offices, and this meeting had proceeded to choose inspectors, who were duly sworn and received from the secretary the prescribed list of stockholders. They then opened their polls in the same room and at the same desk at which opposition inspectors were still sitting. Mr. Shearman immediately stepped in front of them and began, on various grounds, to challenge every vote. Of course his challenge was disregarded, but the process was kept up by himself or others, until, towards one o'clock, both polls were declared closed. Neither party attempted to vote at the polls of the other, nor was there any disorder or disturbance. The two boards then canvassed their votes; the Erie board declared that the ticket voted for at their polls had received 13,400 votes, and was elected. Shortly afterwards the Ramsey board declared that the ticket voted for at their poll had received 10,742 votes, and was elected. The two boards of directors thus chosen then met and organized, the one by the choice of Colonel Church as president, and the other by the re-election of Mr. Ramsey; and having then sufficiently regarded each other from the opposite sides of the directors' room, in due time they adjourned.

The election was over, and apparently nothing was decided by it. Each of the boards elected claimed to be the regular and only lawful one, and neither of them in any way recognized the other. Fortunately the agents of Governor Hoffman were still in actual possession. The Erie party had, indeed,

endeavored to take advantage of this fact, by including in their list of directors both Messrs. McQuade and Banks, who were then operating the road under the authority of the Governor. This move wholly failed. Both of these gentlemen instantly and peremptorily withdrew from the board when notified of their election. Governor Hoffman was the one person now responsible, and he very wisely called upon the courts to decide who was legally entitled to the possession of the road. At his direction the Attorney-General, immediately after the election, began a new suit, in which all parties litigant were included, and a general decision on the merits was prayed for. This was the only way to cut the knot. The previous litigation was in a state of hopeless chaos. Twenty-two suits had been begun, a score of injunctions had been issued, numberless orders had been made, and both parties now stood ready to continue the same style of warfare, just as long as any judge could be found who disregarded the duties of his position on the one side, or who did not lack nerve on the other.

The action brought by the Attorney-General came on for trial before Justice E. Darwin Smith, at Rochester, on the 29th of November succeeding the election. The intervening time had been wasted by neither party. Messrs. Fisk and Gould had utilized it in those manipulations of the gold market, which had resulted in the celebrated explosion of September 24th, long to be famous as the black Friday in Wall Street annals. Mr. Ramsey, meanwhile, had confined his attention to the quarrel already existing, and had carried the war vigorously into Africa, assailing the Erie management in its own stronghold through the suit of *Ramsey* vs. *Erie et als.* Writs, orders, injunctions, receiverships, and conflicts of jurisdiction had become matters of such daily occurrence as hardly to excite a passing notice, and the complications which had grown up around the Erie ring were only exceeded by the scandal they caused. Hitherto, strong in the protection of the more reckless of the city judges, Messrs. Gould and Fisk had suffered no material defeat; they had, indeed, in so far as the law was concerned, carried all before them; for to them the law was simply a process for annoying others and obstructing all that was calculated to annoy them. Foiled in their attempt

to get control of the Susquehanna Road by force, they did, indeed, now try to get it by negotiation; they proposed a compromise of all existing disputes on the basis of a lease of this road by the Erie for a term of ninety-nine years, at a rent equal to seven per cent on its bonds and stock outstanding, with a thirty per cent stock dividend flung in as a bonus. The Susquehanna people listened to the proposal, but it finally appeared that no further guaranty than the word of the Erie managers was contemplated. The Atlantic & Great Western Railroad had already illustrated the value of that. Like Falstaff's tailor, the Susquehanna people "liked not the security"; and the other party, like the fat old knight himself, "had as lief they would put ratsbane in my mouth as offer to stop it with security." The negotiation fell wholly through, and nothing remained but the arbitrament of a country justice of the Supreme Court.

At the end of November the case was in order for trial. The Executive, the Attorney-General, the court, and the Ramsey counsel were ready and in earnest. The usual motions for delay from the other side were received with little favor. It was shown that another suit, in which Messrs. Fisk and Gould and their leading counsel were engaged, was then on trial before Judge Barnard. It was of no avail; the parties were ordered to proceed, and the case before Judge Barnard had to be postponed. The trial lasted ten days, and a vast amount of evidence was put in. Mr. Fisk and Mr. Gould were conspicuous by their absence from the witness-stand, but their counsel were put upon it, and Messrs. Harris and Shearman each told his own story. Some features of the evidence and incidents of the trial were far from creditable. Among these may especially be mentioned an attempt to create an impression that Mr. Ramsey had once been under an indictment for forgery. So grave a charge seemed most unlikely to be made without some shadow of reason. In this case, however, it was wantonly advanced, and even the machinery through which it was manufactured was subsequently exposed. Naturally this proceeding and others reacted violently on those who had sought to derive advantage from them. Public feeling in the court-room and in the city of Rochester grew very strong as the case proceeded,

showing itself in ways not to be mistaken. As the case was on the equity side of the court, there was no intervention of a jury, no chance of an inability to agree on a verdict. After the evidence was all in, and the case had been elaborately argued by Mr. David Dudley Field for the Erie party, and by Mr. Henry Smith for the Susquehanna party, Judge Smith took the papers, but reserved his decision. It was January before this was made public.

There are cases where a judge upon the bench is called upon to vindicate in no doubtful way the purity as well as the majesty of the law; cases in which the parties before the court should be made to feel that they are not equal, that fraud is fraud even in a court of law, — that cavilling and technicalities and special pleading cannot blind the clear eye of equity. It is possible that even a judicial tone may be overdone or be out of place. There are occasions when the scales of justice become almost an encumbrance, and both hands clutch at the sword alone. Whether the magistrate upon whom the decision of this cause devolved was right in holding this to be such an occasion is not now to be discussed; it is enough to say that his decision sustained at every point the Ramsey board, and crushed in succession all the schemes of the Erie ring. The opinion was most noticeable in that it approached the inquiry in a large spirit. Its conclusion was not made to turn on the question of a second of time, or a rigid adherence to the letter of the law or any other technicality of the pettifogger; it swept all these aside and spoke firmly and clearly to the question of fraud and fraudulent conspiracy. All the elaborate comparison of watches, and noting of fractional parts of a minute, which marked the organization of the Erie meeting were treated with contempt, but the meeting itself was pronounced to be organized in pursuance of a previous conspiracy, and the election held by it was "irregular, fraudulent, and void." The scandals of the law — the strange processes, injunctions, orders, and conflicts of jurisdiction — were disposed of with the same grasp, whenever they came in the path of the decision. The appointment of Fuller as receiver was declared to have been made in a "suit instituted for a fraudulent purpose," and it was pronounced in such "clear conflict with the law and set-

tled practice of the court" as to be explicable only on a supposition that the order was "granted incautiously, and upon some mistaken oral representation or statement of the facts of the case." The order removing the regular inspectors of election was "improvidently granted" and was "entirely void"; and the keeping it back by counsel, and serving it only at the moment of the election, was "an obvious and designed surprise on the great body of stockholders." The suit under which the Barnard order of arrest was issued against Ramsey and Phelps was instituted without right, the order of arrest was unauthorized, the order to hold to bail "most extraordinary and exorbitant," and was procured "in aid of fraudulent purposes." The injunction forbidding Ramsey to act as president of the company was "entirely void." The three thousand shares of forfeited stock reissued to Mr. Groesbeck were pronounced "valid stock," and numerous precedents were cited in which the principle had been sustained. Even the injudicious subscription for the nine thousand five hundred new shares of stock by Ramsey and his friends, on which they had not attempted to vote at the election, was declared, in point of law, regular, valid, and binding. Upon the facts of the case the decision was equally outspoken; it was fraud and conspiracy everywhere. "The importation and crowding into a small room" of a large number of "rude, rough, and dangerous persons," and furnishing them with proxies that they might participate in the proceedings of the meeting, "was a gross perversion and abuse of the right to vote by proxy and a clear infringement of the rights of stockholders, tending, if such proceedings are countenanced by the courts, to convert corporation meetings into places of disorder, lawlessness, and riot." Finally, costs were decreed to the Ramsey board of directors, and a reference was made to Samuel L. Selden, late a judge of the Court of Appeals, to ascertain and report a proper extra allowance in the case, and to which of the defendants it was to be paid.

The legal scandals of the case were not yet quite exhausted. No sooner was this decision announced and telegraphed to New York, than the Erie counsel at once had recourse to the judges of that city. As a matter of course, an *ex parte* order was instantly granted, staying the entry of judgment. It

reached Rochester a few hours too late; the judgment was entered. The next day a new order was obtained, staying all proceedings under the judgment; and this was served on Messrs. Banks and McQuade, who were still in possession of the road. Recourse was had to Judge Peckham, who quietly declared the stay of no effect, and granted an order putting the Ramsey board in possession. Then at last the keys were delivered to them. The Erie counsel were not yet satisfied. A motion was made to vacate the judgment. This was supported by affidavits of counsel of the most unusual nature. Imputations of unfairness, irregularity, bias, and conduct otherwise wholly unbecoming a magistrate, were advanced against Judge Smith. The four leading lawyers of the defeated party then united in a certificate, which concluded with these singular words: "We have examined the opinion of Mr. Justice Smith in this cause, and, in our judgment, it is in every material part erroneous, either in fact or in law." It may be necessary to mention here that this was a certificate of counsel on the losing side of a decided case, applying to one judge of the Supreme Court of New York, to vacate a judgment just entered by another judge of the same court. It ought to be unnecessary to add that the assumptions on which the motion was based were pronounced "simply monstrous"; and the affidavits were ordered to be stricken from the record as "irrelevant and impertinent." Nothing now remained to the Erie faction but the slow process of appeal, with their opponents in actual possession.

The struggle was over. Long before any action could be taken on the decision of Judge Smith, at the general term of the court, the Albany & Susquehanna Railroad was beyond the reach of Fisk or Gould or the Erie Railway. Early in February, 1870, the Ramsey direction leased the whole property in perpetuity, and on very favorable terms, to the Hudson & Delaware Canal Company. This arrangement transferred the struggle from the comparatively weak shoulders of the railroad itself to those of one of the most powerful and wealthy corporations in the country. With it the Erie managers could not afford to quarrel, so they were fain to profess themselves satisfied with the result, and to desist from the contest.

Meanwhile the Hon. Samuel L. Selden was busy over his reference; and the case was wellnigh forgotten before he made his report. When it was made it was calculated to revive a very fresh recollection of the litigation in the minds of Mr. Fisk's board of directors. This was composed of thirteen individuals, of whom Messrs. Fisk and Gould were two. The report of Mr. Selden was long and very minutely drawn; it was a document likely to be accepted by the court, and not easily overthrown on appeal. "In view of the whole history of this extraordinary case," and in consideration of the assumption by the Albany & Susquehanna Railroad Co. of the entire expenses of the litigation, the sum of ninety two thousand dollars was fixed upon as a just and proper extra allowance to be paid by the persons constituting the Fisk board of directors to those persons constituting the Ramsey board.

CHARLES F. ADAMS, JR.

ART. II. — ON THE ORIGIN AND GROWTH OF PUBLIC OPINION IN PRUSSIA.

PRUSSIA has had the advantage of a long childhood, which it is well known is one of the privileges of a northern nature. In round numbers it may be said that, during the first hundred years of her existence, she did little more than grow and feed. Her history in those days was the history of her king and father, who maintained, protected, and educated her, and in whose paternal solicitude she could place the fullest confidence. His yoke was light. The people paid willingly the small taxes which secured to them complete exemption from political cares and civic responsibilities. But it is evident that, although they loved their king, they could have nothing in common with him. His cares were not their cares, his ambitions not their ambitions. King and people lived, so to speak, in different planes.

It will be seen that this intellectual parallelism was not a mere accident, nor, as might naturally be supposed, an initial

stage. On the contrary, it has become one of the most prominent features of Prussian history, and may be traced through its various phases even to the present day. In a stratified society, where the rulers and the ruled do not freely mix, they cannot well understand each other, and must end by not caring to understand each other. As such an estrangement is never long acquiesced in and can never be accepted as final, it must at last correct itself, like electric tension, either by a slow and continuous or a violent and intermittent exchange of polarities, thus fusing the strata and effacing the social structure which had been its first cause. But in Prussia this process has begun only recently, and, not counting the revolutionary sparks of 1848, it has never ceased to be a slow and continuous process.

The term "Prussia" originally referred to what is now a province. The formation of a Prussian state, with its centre of gravity outside Prussia, was something artificial, unhistorical, and abstract. The ambitious prince who had conceived it had to take his chance about the vitality of such a state. He and his successors could develop and educate, but they could never have created, a national consciousness. The new kingdom was only a bundle of limbs. Could it ever become a body politic? Frederick II. certainly settled this point. Though his pen was French, his sword was a sword *sui generis*, which succeeded in striking the first sparks of a specifically national consciousness.

The old soldiers' songs of the Seven Years' War show clear traces of this nascent Prussian sentiment; but these wars were, after all, not national wars yet. They were waged by the king, for reasons only known to himself, and with an army of kidnapped conscripts and beguiled mercenaries, while the nation itself looked on, chuckling most loyally over the racy anecdotes of "old Fritz." Again, when, towards the end of the century, poor Poland was quartered and a good morsel of it was offered to Prussia, the people do not appear to have cared for the gift, or to have thanked the king whose diplomacy had obtained it for them. On the contrary, they pitied the Poles, lionized their leaders, and immortalized their fallen heroes in many a ballad, song, and opera. Not that these effusions were meant as demonstrations or protests against the

dismemberment of Poland. The Prussians of those days seem to have viewed political events neither from a moralist nor from a utilitarian stand-point, but to have regarded them simply as so much material for emotional contemplation. Kosciusko was, in this respect, as good as Æneas or Coriolanus. Prussia, it is evident, was still too young to appreciate the gift of a new province, or to fathom the paternal intentions of the royal donor.

It was only when her own soil was rudely invaded and her very life threatened by the great Corsican, that the young nation began to realize her new position and the serious duties it entailed. With the disaster of Jena ended Prussia's happy childhood. She could no longer play with events. She had to face and to battle against dire realities. Of course she still continued to be a minor and to feel and behave like a minor. But, fortunately, the then reigning king, Frederick William III., and his counsellors, were excellent guardians, and had the good sense to begin at once the political education of their ward; and, like sensible men, they began at the right end, attending to the foundation before attending to the roof.

The first step of these reformers was to abolish the seigneurial prerogatives of the feudal gentry. Morally, the effect of this measure was tantamount to an increase of population. The creation of a free peasantry was the creation of so many citizens *in posse*, who could now fix their affections on their king and their native land instead of owning allegiance to a landlord and a glebe. And what this law did for the rural population another law did for the burgesses. Almost perfect autonomy was granted to all towns and boroughs, each town having its freely elected civic parliament, which, in its turn, elects its executive board of town counsellors and nominates a burgomaster, whose election alone is subject to the king's approval. This was a great step, considering the times and the political immaturity of the people. It weaned them from state protection and forced upon them habits of self-reliance. But that was not all. Stein, the author of the municipal law, was too good a statesman not to see that if Prussia wished to recover what she had lost by the peace of Tilsit (which was, indeed, something more than territory), she required a thorough over-

hauling of her military and educational system. The remedies proposed were as extraordinary as the emergency they were intended to meet, and their originality has done more than anything else to stamp Prussia with a distinct national character. The regeneration of Prussia, which many thought a hopeless task, depended on the success of an experiment; the success of this experiment depended on the capacity of the Prussian people for prolonged and systematic co-operation; and this capacity presupposed either patriotic spontaneity or extreme docility.

The two regenerating institutions for which Prussia is indebted to the genius of Stein and Scharnhorst, and to which she owes her rapid growth and present strength, were *compulsory education*, and that other kind of compulsion known under the name of the *Landwehr* system. Both are obviously and essentially democratic. In fact, one may call them socialistic experiments, the greatest probably that have ever been tried; and no one can deny that they have, thus far, been successful. Foreigners, especially Americans and Englishmen, have an innate horror of all socialistic compulsion. They believe in individualism, and prefer to rely on voluntary performance. They take their chance, and can boast of having never been disappointed. Yet individualism might not answer everywhere and at all times. Burke says, "No political system should rest on the heroic virtues"; except (he might have added) in times of public danger.

The duties of the military service are by no means attractive to the Prussians. On the contrary, they are reputed irksome and vexatious. The Prussians would rather shirk them, if they could do so without making themselves *pollice trunci*. No man in his senses would volunteer to leave his home, his trade or profession, merely to atone, with the possible loss of life or limb, for the sins of statecraft and kingcraft. To make this service compulsory and unconditional, that is to say, independent of the cause to be served, seems an act of Draconian severity; yet, hard though it may be, it is not unjust. The absence of all privilege, the disregard of rank and wealth, with which the liability to military service is enforced, deprives this institution of all that might render it heinous and

unjust. With what feelings must a soldier go into battle when he thinks of his wealthy cousin at home who could afford to hire a substitute! And what bitter reflections must haunt him when he lies wounded or dying on the battle-field! It is, in fact, simply revolting to think of the corporeal bondage of the poor and the venal exemption of the rich. To make the soldier's death both *dulce et decorum*, we must have our battles fought by citizens, and not by slaves. The terrible tribute of blood cannot fairly be exacted from anybody, unless it is exacted from all and paid by all. Life and wealth are not commensurate, much less convertible values; and wealth should never secure an immunity which can only be claimed on the ground of physical disabilities, such as sex, age, or infirmities, over which we have no power.

It must be remembered that the four great reforms just mentioned, namely, the redemption of the peasant's glebe, the municipal law, the educational reform, and the Landwehr system, were all free gifts, granted *motu proprio* by the king, without the slightest pressure from below. One cannot call them concessions, therefore, nor were the people asked beforehand whether they would like the new laws. There was no public opinion yet in Prussia.

The crushing and ignominious defeat of 1806 had demoralized the Prussian people. They began to lose their self-respect; and, like the Jews in captivity, sought solace in song and verse. They longed for some intellectual sphere where they might take refuge from the brutalities of war, and where the memory of their shame could not haunt them. Few only could find gratification in Kant's philosophy, or in the teachings of the Church. The great bulk of the people — of the cultivated class, at least — became either ardent Hellenists or dreamy romanticists. Although Hellenism was most brilliantly represented by the great stars of German literature, Schiller and Goethe, the romantic school had by far the most numerous and most popular leaders. The average spirit of the age was, unquestionably, the spirit of romance and of maudlin sentimentality. Matthisson, Tiedge, Mahlmann, and Tieck are fair exponents of this spirit. Their poetic merit need not be disputed; but their utter lack of humor and of attic salt

made their popularity among their afflicted countrymen extremely dangerous. Even the street songs of that period betray a morbid sentiment. One of the songs of the Prussian hussars of 1812 was so touching and so full of tender pathos, that Blücher, fearing its enervating effect on the soldiers, thought it necessary to forbid it.

Even Fichte, who was just then the leader of philosophic thought, who preached liberty and equality of "all that bears a human countenance," whose philosophy was, indeed, a speculative egotism which, in its practical part, may be regarded as a genuine *αὐτὸς ἀνήρ* doctrine, — even he was not free from the taint of morbid despondency. Kant's categoric imperative (thou shalt will the good and will it well) pointed towards action, while Fichte's "infinite shall" implied a kind of intellectual despair or resignation, since *adequate* performance was impossible. In fact, Fichte did not hesitate to say that he despaired of his contemporaries, and that national independence could only be revindicated by a new generation. He continued, with irresistible eloquence, to preach the crusade against Napoleon; but one cannot help suspecting that he would have preferred preaching it to the French nation. He had warmly sympathized with the French Revolution, and this sympathy may have impaired a little his national Teutonic ardor. Had the Germans been disciples of Rousseau and Voltaire, he would not have despaired of them.

The Hellenists, too, although quite free from morbid sentiment themselves, and evincing great mental vigor and serenity, unconsciously encouraged the reigning spirit by accustoming the public to an æsthetic atmosphere of thought, which induced them to regard everything — science, politics, and even morality — from an artistic and idealistic stand-point.

Distracted by such influences, and hardly even aware of their impertinency and inopportuneness, Prussia seemed ill prepared for the terrible struggle that awaited her; and it is more than probable that she could never have fought the battles of 1813 and 1814, if other agencies, of an opposite character, had not been at work simultaneously. These agencies we cannot help recognizing in the reforms which Frederick William III.'s far-seeing ministers had inaugurated. They acted slowly, but

steadily. The new military law, especially, which forced the whole male population, at least once in their lives, to leave their desks, counters, or workshops, and to pass through a course of drilling, manœuvring, and even bivouacking, had a wonderfully bracing effect upon the rising generation. Thanks to these influences and, of course, to Prussia's co-interested allies too, Napoleon was driven away from German soil; and, after Leipzig and Belle-Alliance, Prussia could lift her drooping head once more, to look forward to a new era of growth and prosperity.

Under what auspices did this new era begin? The old patriarchal relation between king and people still existed. In some respects it was even enhanced by mutual gratitude, and by the recollection of common sufferings and common dangers. As a lawgiver, the king had shown himself to be a thorough democrat. He had levelled down the aristocracy and "levelled up" the people. He had rescued education and military service from the caprices of chance and individualism, making them national institutions, which, whether regarded as rights or duties, were everybody's rights and everybody's duties. He had gone even further. He had promised a real constitution and a national representation, over and above the existing provincial diets, which were deliberative assemblies only. But, whether the king felt that he had been more democratic than his *demos*, or whether the promise made in the hour of danger was forgotten or shelved as soon as the danger was past, certain it is that it was never fulfilled by the king, and that its fulfilment was never urged by the people. Probably both hypotheses are true. The king had become a member of the Quadruple Alliance; and, what is worse, he had made a long stay at Vienna, associating with men like Metternich, Talleyrand, and Castlereagh. He could not return to Berlin a better or a wiser man for that. As to the Prussian people, they loved their king as much as ever. His taciturnity and laconism made him appear even interesting, which he never was; while his earnestness and simplicity of manners secured him the profoundest respect, — a respect bordering on veneration. The Prussians, if they cared at all for a bill of rights, which is doubtful, seemed to have tacitly agreed on not troubling the

king with such claims, and to reserve them, if ever they were to be urged, for his successor. Perhaps they were not wrong in this. The state machine was new, and far from being seasoned for any rough work. The war had thoroughly disarranged it, and, until it was put into working order again, the people thought it their patriotic duty to act as simple wheels and cranks, and to leave the responsible honors to their engineer, the king. This was quite proper. But that they continued in the same loyal passivity for fully twenty-five years cannot be excused, either on the ground of patriotism or on that of expediency. It presupposes not only a high degree of political immaturity, but some deeper cause, which rendered this immaturity apparently stationary.

The old spirit of romanticism, which had been kept down so successfully during the national crisis, was still far from being extinct. It seemed to have waited only for the conclusion of peace to resume its former sway. It had lost a good deal of its sentimentality, but nothing of its haziness and its confusion. Its traditions were kept up principally in the small university towns, where it had found a favorable soil in the peculiar romance of German student life; and it is there that we find its new phase most fully developed. Nothing can show more clearly the connection between this spirit and political immaturity than the doings, songs, and speeches of the *Burschenschaft* (or Brotherhood), a vast confederation of students' clubs, which, not unlike the Masonic Lodges, had the unmerited misfortune of being suspected of secret and "subversive" political tendencies. No doubt their political programme was so far a secret that it seems to have remained unknown to themselves. They held their convivial meetings; and these meetings were not only enlivened, like ordinary students' banquets, by drinking litanies and similar comic rites, but were always opened with a more serious and, indeed, rather solemn ceremony, consisting of singing certain songs, in hand-shaking and embracing, and in the exchange of solemn pledges for a lifelong allegiance to the sacred principles of the brotherhood. To judge from the phraseology of their songs, these principles must have been liberty and loyalty. Beyond these generalities they do not go. The songs of the *Burschenschaften* are truly grand old songs,

and belong to the finest specimens of German lyrics. Even without the aid of music they inspire and move; the words having a good deal of that ring or "physical atmosphere" about them which seems to reach the heart without touching the brain. But no amount of parsing and analyzing will help us to anything like a political programme. We know at once what caused those youthful hearts to beat when the *Bundeslied* was intoned; but we are at a loss to understand what could have induced those who sang it to imagine that they had to fulfil, and were actually fulfilling, a serious and awe-inspiring political mission. The fact is, youth loves to sing of "liberty," as Luther loved to sing of "wine, song, and women." Luther was no Mormon for all that. Nor were the Jena students *sans culottes*. It was silly of Metternich and other statesmen of that time to be frightened by such harmless watchwords. Moreover, the whole literature of these academical enthusiasts betrays loose habits of thought and expression. The term "liberty" is so persistently used for independence, that it remains doubtful whether it was ever used in a political or in any other but a strictly national sense. Even nowadays, the war of 1813 is called in Prussia the "war of liberty," which is a highly characteristic, though strangely ignored, circumstance. The word "fatherland," too, was used ambiguously by the students, sometimes for their native state, sometimes for reunited Germany. Most probably they longed for such a Germany, for a Germany united by something more than literature. But they seem to have regarded it as something too ideal to be realized by human action. They contented themselves with adopting the colors of the fallen Empire, adding, however, the red to their new standard, and thus creating that black, red, and gold tricolor which in 1848 was hoisted as a new national flag, and which is still erroneously supposed to be the old Imperial flag. Their motto was a poetic interpretation of these colors: "From the night of slavery, through the blood of battles, to the light of liberty." And this is probably the nearest approach to a political programme the students' societies have ever been guilty of.

Fichte had committed the mistake of fanning the enthusiasm of these youths, without helping them to clearer political no-

tions. Fries did the same, with even less judgment; and, for years, a roaring flame of enthusiasm was kept up, like a huge bonfire, without any apparent use or purpose. No wonder it became dangerous at last. The *Burschen* grew more and more pathetic. They had never had much humor, and their national purism made them haughty and touchy. They could not stand cold criticism, and, least of all, satire and sarcasm. If Kotzebue had been simply, what Metternich and many other people were, a professed enemy of all liberal aspirations, he would in all probability have lived to write his hundredth drama. But his scoffing tone exasperated the students, and one of them, young Sand, maddened by passion and blinded by fanaticism, assassinated Kotzebue in 1819.

For the first time the authorities now had a good pretext for wreaking their long-pent-up anger on the *Burschenschaft*. Not that there was, even then, any evidence of a demagogic tendency. The murderer was, of course, punished, but nothing could be said against the society to which he belonged. The students seemed, and no doubt were, stanch royalists. Their principal song was the *Landesvater*, and their convivial literature teems with the heartiest expressions of loyalty to the *pater patriæ*. They may, or may not, have sympathized with the constitutional movements of Naples, Spain, and Portugal; but they never asked the king of Prussia, or any other German prince, to grant a constitution.

However this may be, Metternich, who was just then at the acme of his power, and who had just used it successfully in silencing the constitutional cry at Lisbon, could see no reason why he should listen to what he thought seditious song-singing at home. He made the most of Sand's crime, and had no difficulty in inducing the German sovereigns to dissolve the long-dreaded *Burschenschaft*, and to punish any recalcitrant youths, either by shutting them up in a prison, or by shutting them out from their intended careers.

The triumph seemed easier than it was. The danger being unreal, it could not be averted. You cannot stab a ghost, though you may easily get rid of an obnoxious ribbon or an obnoxious song. On the 26th November, at their last meeting at Jena, the students could afford to sing: —

"The form may be broken,
The ribbon be torn;
It was but a token,
It need not be worn.

"Our league may be scattered,
It had many lives;
Our house may be shattered,
Its spirit survives."

Of course it did survive, for it was nothing but the irrepressible spirit of youth,

"Which loves illusion,
While it longs for truth."

This spirit, though thwarted in one of its manifestations, very soon found vent and utterance in another institution not less characteristic and not less Teutonic than the *Burschenschaft*. This was the wide-spread organization of the *Turn vereins*, or gymnastic societies, which, being less exclusive than the strictly academical *Burschenschaft*, soon became extremely popular and influential. They had existed long before the dissolution of the students' clubs. They originated in a healthful reaction of public opinion against the tyranny of the old-fashioned school discipline. There being nothing else to discuss in public life, the people had warmly taken up the subject and almost split into two parties, one advocating the pursuance of classical studies in the old merciless style, the other insisting on the necessity of husbanding the health of the rising generation by a judicious reduction of school hours and a more generous allowance of leisure and recreation. The question was a serious one. Pale faces, round shoulders, and near-sightedness threatened to become national marks of *docta Germania*, and, *a fortiori*, of Prussia, the classical land of compulsory education. The school pedants would make no concession. Their pedagogics could not be corrected; but the bad consequences thereof could at least be alleviated by a methodic popularization of gymnastic sports. It is superfluous to say that the influence of the *Turn* societies has been, and continues to be, a most salutary one. The very nature of their sports prevented their degenerating into secret societies or into political clubs, and the fact that any possible excess of muscular patriotism could

always find sufficient vent in the Landwehr service, deprived them of all pretexts for political *dilettanteism*.

Notwithstanding all this, the Prussian authorities, who had, by this time, got into thoroughly vicious habits of thought, began to look askance at the *Turn vereins*. They feared their ever-increasing popularity and the singularly expansive character of their organization. All that was young and enthusiastic flocked round the gymnasts' flag; and it was not unnatural to suppose that, in such a bracing atmosphere, the still smouldering embers of the *Burschenschaft*, which had never been trampled out entirely, might easily be fanned again into a flame of dangerous enthusiasm. This soon became a fixed idea with the Prussian authorities, which they have never been able to shake off entirely. Though they have, on the whole, abstained from actively interfering with the *Turners*, they have never ceased to watch them. Such unmerited suspicion could not fail to create, what had not existed before in these societies, a certain consciousness of political importance. But their political aspirations remained as vague and ill-defined as those of the *Burschen*. There were, no doubt, a good many fire-eaters and *Franzosenfresser* among them. But what could such Gaul-eaters do without the Gauls? They shook their fists, which was a muscular and therefore legitimate occupation for a gymnast.

Intellectually and morally, the gymnasts belonged to the old romantic school, whose spirit was still rampant throughout Germany. It was under the influence of this spirit that they affected a kind of savage, or would-be-savage, Teutonism, in manners, dress, and speech. They wore long hair, took numberless cold baths, and indulged in a hollow and inflated rant about oaks, Arminius, and Father Rhine. They scorned the use of soaps, scents, and pomatums, as French inventions. All French words and radicals were to be expunged from their vocabulary. The oddest, clumsiest purism invaded speech and literature; and even the most time-honored technical terms (such as "verb" or "adverb") were ruthlessly Teutonized.

This curious type is now extinct. Massmann seems to have been one of its latest and one of its best specimens, provided we can believe Heine, who, in one of his most petulant satires, makes old King Louis of Bavaria exclaim: —

"O, where 's that jewel of my crown,
My pious, faithful Massmann,
Than whom no acrobat or clown
Could cut more charming capers?

"Old Gothic was his mother-tongue;
He spoke pure Jacob-Grimmish;
All foreign words were foreign to him,
He knew no Greek or Latin.

"He lived like a German patriot,
Drank coffee made of acorns;
He ate live Frenchmen and live cheese;
The latter was his perfume."

It must not be believed, however, that this affectation of Teutonic primitiveness represented the general sentiment of the nation. The permanence of peace and the absence of all national danger were highly unfavorable to any kind of national pathos. German earnestness had had its say and had done its work. If it still continued to pose and to strut in its *cothurnus*, it obviously incurred the danger of ridicule. The Prussian capital was fast becoming, not only "a focus of light," but of a new kind of intellectual smartness. French *esprit* had always been keenly appreciated there; and humor, which had reached its highest development in Immermann and Jean Paul, had proved to be a plant of German growth. Only wit seemed to be an exotic and resisted all attempts at acclimatization, until its seeds were mysteriously and supernaturally evolved, by truly spontaneous generation, in the sandy soil of the Prussian capital. Berlin wit soon became a thing *sui generis*. It was genuine wit, and could be found nowhere but in Berlin. Nor was it a specialty of the intellectual "exquisites" of the place. It belonged, and still belongs, to the whole population, irrespective of education, sex, or age. The Berlin *gamin* is far more worthy of celebrity than his Parisian brother; and Nante, the *Eckensteher*, was a type which even foreigners might have appreciated. Nante no longer exists in the flesh; but the Berliners can afford the loss, since his modern transfigurations seem to be fully as witty as their immortal prototype.

Berlin was unique in this respect. It was the only place in Germany where even the lower strata of society were bright, smart, and witty. It was a slippery ground where stilted

pathos could not walk with impunity. Not only the eccentricities of muscular patriotism were ridiculed there, but the patriotic sentiment itself was criticised, analyzed, and reduced to "first principles." Hegel and Humboldt reigned supreme, though never jointly, in Berlin; and the people were beginning to consider themselves a nation, not of *savans* alone, but of geniuses and thinkers. Such a people could have nothing in common with the enthusiasts of the romantic school, under whatever name they might appear in public life. Their loves and hatreds, their heroes and enemies, were necessarily different. The patriotism of the romantic school was founded on a difference of race, it was Teutonic and anti-French, muscular and national. The new Prussian patriotism prided itself on being intellectual, and, if not anti-national, cosmopolitan. It was indifferent to purely ethnographic considerations; and the intellectual aristocracy of Berlin thought it beneath their dignity to dwell on physical accidents. Gallophobia, and, with it, Teutonism, had, in their opinion, ceased to have any *raison d'être*. They laughed at Mentzel the *Franzosenfresser*. How could such a pygmy criticise a giant like Napoleon? The miseries which Napoleon had inflicted on Germany were forgotten or ignored by these new thinkers, and the great Corsican began to shine in their memories like a splendid comet. The flaws in his character, his meanness and cruelty, grew dimmer and dimmer under the intense brilliancy of his genius and the poetic grandeur of his exploits. Even before his death he had become a hero among his former victims, who seemed to have nothing but song and verse for him. Beethoven composed one of his grandest symphonies in his honor. To hate Napoleon, to dwell more on his sins than on his genius, was an infallible sign of slowness and incapacity. The Jewish satirists of the day, especiclly Börne and Heine, did much to enhance this feeling; and Goethe, to say the least, had done nothing to check it. He, indeed, had always stood aloof from politics,—he who could hear the roar of the battle of Jena without betraying any patriotic emotion. The *beaux-esprits* of Berlin had inherited a good deal of Goethe's antipathy to politics, which they thought a vulgar and unclean thing, enjoyable only at a distance. They liked to watch the political events in other

countries; but they watched them as they would have watched a shower of meteors or an aurora borealis. It was pleasant to read the newspapers and to discuss the latest speech of Peel or Palmerston, of Polignac or Casimir Perrier. To Prussian ears these names sounded as classical as those of Pericles and Miltiades. Distance, whether in space or in time, is always a good artist.

But home politics were utterly ignored; nay, the Prussian people congratulated themselves on being able to ignore them: first, because they were uninteresting; secondly, because they were known or supposed to be in good hands. This latter was a fond illusion, which would not have lasted so long if it had been less convenient. Stein, who had been banished from Berlin by Napoleon, was never recalled by his king. He was thought too liberal for Prussia, though it was not he that had changed. The king had found no worthy successor for Stein, and had got into the habit of applying to Vienna for advice. His real counsellor was Metternich, whose influence induced him to make the most of his subjects' optimistic disposition, and not to volunteer concessions which were not asked for by the people. The people had better things to think of than Prussian politics. Philosophy, science, and literature filled their minds and absorbed their energies. They lived in a world of their own, far above (certainly far removed from) the world of real events, and from the pursuits, plans, and aspirations of their own rulers.

This half-dreamy, half-philosophic serenity was not peculiar to Berlin. It had spread all over the kingdom, at least among the Protestant population. The fourth decade of the century was a time of peace and happiness, not only for Prussia, but for the whole civilized world. Even a man like Louis Philippe believed in the possibility of making war impossible in Europe. No wonder the spirit of the age was optimistic. Mankind had something even better than peace; it had *otium*, and seemed bent not only on enjoying but on refining it. It was the eve of the steam age. The engine soon brought cares, hard work, and roaring speed into the slow world. With it came sadness; and the *panlypistic* (or "world's-grief") poetry of the period

shows what a pitch this sadness had to reach, before it settled down into the steady earnestness of modern life.

But the shrill signal of the steam-whistle had not sounded yet. In Prussia, the opening of the new era coincided pretty accurately with the beginning of a new reign in 1840; and it may fairly be said that the last ten years of Frederick William III.'s reign were a hundredth part of the millennium. It was an interesting period. Only thirty years of time, but a whole century of thought and labor separates us from it. To appreciate it properly, we must, above all, recollect that it was the time when the separatistic sentiment in the different states of Germany had reached its full maturity. Worse than that, the states had agreed to disagree, and each went its own way. German patriotism only existed under the form of hatred against France; and, as such, only in the southern states; while in Prussia, and especially at Berlin, a merciless reaction against this sentiment had set in. If there was such a thing as Prussian patriotism, it had nothing to do with Teutonism and nationality, and would assert itself quite as readily against the South Germans as against the French. Moreover, the pre-existing antagonism between North and South justified and enhanced this feeling. The South was Roman Catholic, romantic, national; the North was sceptic, sarcastic, and cosmopolitan. Prussian patriotism prided itself on being something more than a sentiment, and on resting on something better than a physical fact. Its true basis was the artificial, but intelligible, idea of the *state*, the state being something *not* necessarily coextensive with nationality. This state idea is still the moving principle of Prussian politics, and Prussia is not likely ever to abandon it, though she may have to dissimulate occasionally, while struggling for German union. German union would be impossible but for Prussia; and if the German nation is to become a German state, and Prussia is to guide and superintend the process, Germany is likely to be more Prussianized by it than Prussia Germanized. The national idea will be subordinate to the state idea; the nation being the raw material, and the model state its mould.

The principal advocate of this *state doctrine* was Hegel, whose mighty influence seemed to overrule all other influences

in Prussia. He had come to Berlin in 1818 from Heidelberg. His political doctrines were simple deductions from his philosophic principles, but seem to have undergone some slight modifications during his long residence in the Prussian capital. On his arrival in Berlin, Hegel was not slow to recognize in Prussia the germs of a model state, — a philosophical πολιτεια. His eagerness to reconcile his pre-existing theories with what he saw of the Prussian potentialities may have led him astray in some respects; nor did he ever succeed entirely in this attempt. Hegel's ideal state continued to differ considerably from the actual Prussia around him; but the two were sufficiently similar to influence each other in the course of time.

Physical nature had no important place in Hegel's system. He considered the hereditary distinctions, constituting clans, tribes, or races, as crude, natural data, which could become interesting only when they served as materials for a work of art. This work of art — this masterpiece, not of the human mind, but of the spirit — was the *state*. The connecting link between race and state, between natural society and organized society, was the *family*. The state was, according to Hegel, something ultimate, it was the highest form of finite manifestation of the spirit. Unlike Comte, he ignored the notion of humanity, or treated it as something preliminary, and therefore inferior, to the state. Humanity, as the complex of races, was not a "conceit," like the state, and could become a "conceit" only by becoming a complex of states. To raise it to this dignity was, no doubt, the task of the spirit, but the task being an infinite one, the state must, in the mean time, be considered as the highest manifestation of the intellect. Hegel did not hesitate to call it "the earthly god" of man, whose allegiance to it was unlimited and unconditional. Of course, the state could not have the dignity of a "conceit," without having the power of spontaneous growth belonging to all organized beings; and state organization meant representative government with all its franchises and inferrible liberties. But the spirit of Hegel's philosophy induced him to adhere to the principle of constitutional monarchy, although he admitted that the constitution ought to be such as to render the personal and therefore accidental qualities of the ruler a matter of little or no importance.

The state being something final, Hegel had some difficulty in finding the rules that were to regulate the society of states. International law did not fit into Hegel's system, since it presupposes an organized humanity over and above the states, which he repudiated. Consequently the relation between two states, however high these entities may rank in themselves, cannot be higher than the relation between two animals. In this sense, sovereign states have only animals' souls (*Thierseelen*), fitly represented by the heraldic beasts in their national escutcheons, and war must remain, by no means a necessity, but a permanent possibility. Hegel deprecated Kant's doctrine of permanent peace, not only because he did not believe in it, but because he thought war a *useful* ingredient of human history. It destroys the fear of death; it represses the love of pleasure; it shakes the legalized selfishness and selfish legality of every-day life; it forces the children of the world to remember the perishableness of all earthly goods; and, above all, it reminds the individual of the majesty of the common weal compared with his own small interests.

Nothing could tally more accurately with the spirit of the Prussian system than these ideas of Hegel. His doctrines concerning the state, the eternal fitness of war, and the stern subordination of the individual to the state, implied the most splendid justification for the *Landwehr* system, for compulsory education, and many other Prussian institutions. In other respects, however, Prussia not only failed to come up to the philosopher's ideal, but seemed to be guided by principles altogether opposed to his own. Hegel attached great importance to what he called social ethics (*Sittlichkeit*). By this term he understood the uncodified law of usage sanctioned by time and by numbers, by prolonged and cumulative assent. Its more transitory moods are commonly called public opinion, while its highest and most dignified form is known as the spirit of the age, with its local and national varieties. This uncodified law Hegel placed far above the written law of legality and the unwritten law of abstract morality, which he called the law of the heart. Both these laws were angular, he said, and sharp, and never fitted into the organism of public life. They were both essentially selfish and individualistic, and therefore

antagonistic to the public spirit. Antigone might invoke the "unwritten law" against the lawless will of a tyrant, and against the same the cry of *fiat justitia* might and ought to be raised. But neither the unwritten nor the written law should, according to Hegel, be asserted in opposition to the supreme and ever-growing, though never codified, law of public ethics.

This doctrine was English rather than German. It might be valid in old countries and old civilizations, but it could take no root in a young country like Prussia, which, in default of traditions and experience, had to remain a strictly juridic state, so long, at least, as it had not formed a heart and a conscience of its own.

However this may be, it is clear that Hegel's system was in some respects far ahead, in others abreast, of the Prussian system. In no respect did it remain behind it. His philosophy, it is well known, was the philosophy of development. Progress was its subject-matter, its essence, and its aim. To accuse Hegel of retrograde tendencies is the height of injustice, and betrays a want of philosophical training. He had been severe against the *Burschenschaft*, but not so much on account of their political tendencies as on account of their want of intelligible tendencies. He disliked their false pretences and their confused notions, and his dislike was so strong that he approved the needlessly severe measures taken against the students' clubs in 1819. Some of Hegel's theories seem to have strengthened the hands of the Prussian *Junkers*, but only in the same sense in which some of Paul's sayings once strengthened the hands of the Jesuits. Hegel was no feudalist for all that, but a liberal to the backbone, who lectured on constitutional liberty and on representative government while Frederick William III. was still alive.

We need not apologize for this long digression. Hegel's influence reached far beyond the lecture-room and far beyond the confines of his model state. It lay in the very nature of his philosophy (which was a method rather than a system), that it invaded every branch of science and of art. It craved application. Theology and jurisprudence, mathematics and physics, grammar and even music, were all more or less affected by Hegel's mode of speculation. Hauptmann, the greatest musical

theorist of Germany, is a Hegelian. Many of these applications were rash and premature, and the numerous fallacies to which they have led have done much to discredit the great philosopher among the living generation. His countrymen have learned to forget or to ignore him, and even his centenary, which was to have been celebrated in Berlin on the 27th of August, has passed unnoticed. Neither in Berlin nor at Sedan was he remembered on that day. Yet his influence still survives, and its vestiges can be clearly traced in many branches of modern literature, foreign as well as German. Hegel's disciples believed that the one absolute truth had at last revealed itself through their master; and, for many years after his death (in 1831), his teachings were propagated with such zeal and accepted with such eagerness that there was hardly a professor, judge, or state functionary in the Prussian monarchy that had not been imbued with Hegelian ideas. Even Ancillon, the tutor of the heir to the throne, was an Hegelian theologian before he became an Hegelian statesman.

Such was the intellectual state of Prussia during the halcyon days which preceded the death of Frederick William III. Great mental activity prevailed, and a brisk and continuous exchange of ideas took place all over the country. If public opinion was loath to form itself, it was certainly not from want of materials. Even grievances existed. But they were hushed by the genial optimism of the public. How could political parties be thought of, without having a legitimate arena to fight in? A respectable people like the Prussians would rather wait than indulge in street riots and in loud cries, which their greatest thinkers had stigmatized as vulgar and undignified. The king had promised a political arena. He had died without having fulfilled his promise. But he was a good man for all that. And his son was sure to redeem his father's pledge.

In fact, Frederick William IV., who ascended the throne in 1840, volunteered in what might be called his coronation speech, at Königsberg, to reiterate his father's promises. The people, who had always liked the Crown Prince as a witty, genial, and highly accomplished man, were delighted with the spontaneity of the new king's vow, and became enthusiastically loyal. The speech was delivered in September. Yet spring

came and no change or indication of a change was visible in the political *régime* of the country.

This was enough to rouse the indignation of any loyal man. Even a street riot would have been justifiable under such wanton provocation. Nevertheless it is doubtful, and must forever remain an open question, whether, even then, any revolutionary spark would have been elicited from the purely Teutonic elements of Prussian society. The man who gave the first signal for a public assertion of popular rights was a Jew.

In the spring of 1841 a pamphlet was published in Königsberg under the title "Four Questions, answered by an East-Prussian." The first three questions contained in this pamphlet referred to the necessity of political reform, and to the unfulfilled promises of the two kings. To the fourth question, "What are we to do in case of a refusal?" the author replied, "We must take by force what belongs to us by right." The author of this pamphlet was Dr. Johann Jacoby, the same who has, since 1866, been the leader of the progressist party in Prussia, and the same who was quite recently arrested by order of General Falkenstein for having made a speech against the eventual annexation of Alsace and Lorraine. His pamphlet of 1841 opened a new era for Prussia. Such bold language had never been uttered before. It is impossible to say what would have happened without it. But it is quite certain that from its publication dates the political life of the Prussian people.

The spell was broken, the old paradise was lost. The witty king, who had cracked so many jokes for the amusement of his people, began to frown and to look defiant. The breach widened daily, and the Prussian people itself, which had lived so happily in peace and concord, saw itself divided, in the course of a few months, into two hostile camps.

The Prussian people had never formed one homogeneous mass. On the contrary, they were a mixed race, made up of many heterogeneous and even antagonistic elements, which had remained quiescent merely because their parallelism had not been disturbed. Jacoby's pamphlet led to no open conflict; but it made the people conscious of the deep, though not numerous, furrows that divided their society, some of which formed almost impassable barriers between the adjoining

strata. The Prussian nobility, well known, even abroad, by their nickname the *Junkers*, are for the most part (at least, as far as Prussia proper is concerned), the descendants of the Teutonic knights, of those Northern crusaders who carried the cross to the shores of the Baltic in the thirteenth century. They still own large tracts of land in the thinly populated regions conquered by their ancestors. They are fond of residing permanently in their solitary manors, their time being divided between the chase and the pursuits of agriculture. Many circumstances, however, conspire to make agriculture in those regions an unprofitable, or, at least, an unsafe occupation; and the consequence is that, on the whole, these gentlemen have far more blood than money to boast of. Few only can afford to live in idleness; and if they have to choose a professional career, it is natural that they should prefer the military career to all others. Even now, almost all the officers of the Prussian Army belong to the nobility; at the time of Frederick William IV. the same could be said of the higher functionaries of the civil service. On the whole, the Prussian nobles have always shown themselves worthy of the distinction they enjoyed. Strict integrity, perfect freedom from profligacy and from the frivolities of dandyism, and a certain superiority of manners, secured for them the respect, if not the good-will, of the people. Yet the Prussians have never been proud of their *Junkers*, as the English are of their nobles. Nor could they have felt proud of them. For, unlike the English aristocracy, which is continually recruited from the lower ranks, the Prussian nobles were a race within a race, a real caste that had nothing in common with the bulk of the people. Thirty years ago mixed marriages (between nobles and burgesses) were rare; partly from want of social opportunities, partly owing to technical and conventional, if not legal, difficulties. There was no strict equality before the law in those days. A burgher striking a nobleman incurred a greater penalty than a *Junker* striking a burgher. Although such cases occurred but seldom, the iniquity of the prerogative was keenly felt by the plebeian classes; and, considering what the Prussian *plebs* was, the *Junkers'* immunities appeared worse than iniquitous, — absurd. The circumstance that many of

the *Junkers* were officers, and wore "the king's uniform," did much to aggravate the estrangement and antagonism of the two classes; and the two distinctions between noble and burgher, and between military-man and civilian, came soon to be used promiscuously and to be considered as indicative of the same social anomaly.

Only the school and the *Landwehr* drill forced the two classes to the same level; and the natural result of thirty years' schooling was that a new generation was growing up, which, though plebeian *de jure*, formed, in point of fact, a new kind of aristocracy, — an intellectual aristocracy, — which was not likely long to remain unconscious of its, at least partial, superiority to the native squires.

This was a corrective, as far as it went; but it did not go very far. For, although the tradesman's or the peasant's son might become a scholar, he remained a poor man's son after all, and had to look out for a profitable career. And, unfortunately for his moral independence, the Prussian state machine was so constructed that almost all the honors, emoluments, and good things of this world were in the king's giving. He might study theology; but, as a clergyman, he was under the control, and often in the pay, of the state church consistory. As a professor he was likewise a paid official of the king, — a "royal professor." And if he became a judge or a barrister, or one of those innumerable counsellors and clerks that form the "sitting" army of the civil service of Prussia, his very choice of career implied that he was ready to identify himself with the ruling powers and with the principles they upheld. He thus became a bureaucrat; and, if he still felt any hostility against the aristocrat, he found himself tongue-tied. He held his office for life. His salary maintained him and his family, and its forfeiture entailed misery and starvation. He could not afford to incur such a danger; and, as a rule, Prussian officials do not feel tempted to do so. Their career, though poor in emoluments, is remarkably rich in honors and, above all, in *titles*. The terminology of these Prussian titles is well known. It sounds odd enough, and as the husband's title is given, *mutatis mutandis*, to the wife, the effect becomes decidedly ludicrous. But

" Gaudent prænomine molles
Auriculæ ";

and women's ears form no exception to the rule, as the shrewd author of this Prussian custom must have known. A Prussian employee can always look forward to some promotion or new distinction, and his whole position is such as to give him at once a feeling of importance and of superiority in rank, which almost always effaces his old plebeian rancor against the man of noble birth and the man in uniform. And as converts are apt to become zealots, it happens, not unfrequently, that such officials out-*junker* the *Junkers* in pride and haughtiness.

It is but just, however, to add that the Prussian bureaucracy, though harsh and unamiable, has never been mercenary or corruptible; and that the tyranny of the government, though stupid and vexatious, has never been cruel in its methods or morally bad in its aims. The official became either a grateful convert or a reticent opponent. In the latter case he renounced part of his independence. But an honorable man could always afford to serve the Prussian government and to accept its pay. A high tone pervaded the whole administration, and everybody felt proud of it, irrespective of political sentiments.

Far though it reached, the influence of this bureaucratic hierarchy could not pervade all the strata of society. There were some independent classes which stood beyond the reach of its temptations, and which were free to criticise the government, though not to oppose it. These were the medical men, the professional *literati*, and the commercial people. The government had some baits even for them. A doctor might be made a " medicinal counsellor," a " sanitary counsellor," or a " general staff physician "; and even a merchant was liable to become a " commercial counsellor." But, on the whole, these classes remained unbiassed and independent. The merchants, especially, seemed to be the natural antagonists of the squirearchy, not only because they were merchants, but because their class contained an element which has played, and is still playing, an important part in Prussian history, — the Jewish element. All the eastern provinces, which once formed the nucleus of the Prussian state, teemed, and still teem, with Jews. When Frederick William IV. ascended the throne

the political emancipation of the Jews had not even been thought of. But their great natural abilities and their political disabilities conspired to make them a real power, which the last generation was foolish enough to dread and stupid enough not to utilize. Excluded from all careers requiring an oath of allegiance, they knew in their cradles that they could look forward only to three kinds of pursuit, — commerce, literature, and the study of medicine. They have, in fact, imparted to these professions a peculiar smartness, otherwise unknown in the Baltic North ; and have acted, directly through literature and indirectly through commercial activity and the accumulation of wealth, as a powerful leaven on the solid and somewhat heavy mass of feudal prejudices and pedantic learning which surrounded them. The Prussian Jews, forced into pursuits which gave them intellectual and pecuniary independence, constituted, and still constitute, a class of which it is impossible to speak too highly. Most of them have ceased to be orthodox Jews. They light the Christmas-tree for their children, and a good many become Protestants (always in the widest acceptation of the word), in order either to marry a Christian woman or to obtain a professor's chair. But, though religion sits lightly on them, they cannot easily shake off the peculiarities of their race. And where they do shake them off, by intermarrying, they lose less than the community gains by the process. It was, indeed, fortunate for Prussian society that its two poles were not, as in most other countries, the nobility and the mob, but two nobilities, as it were, the Teutonic and the Hebrew nobility. What they had in common was wealth and culture (although the Jewish culture and the Jewish wealth were of a different kind from the culture and the wealth of the feudal land-owners). In all other respects they differed, as two poles must differ, *toto cælo*. The nobles were the natural supporters of the throne and the church, of right divine and feudalism, of *pietism* and romanticism ; while the Jews were, just as naturally, the champions of liberty and of rationalism. The former defended the *status quo ;* the latter, a state to come.

Below the strata of the middle classes we need not go in search of germs for the coming political life. The working classes of Prussia were, thirty years ago, politically speaking,

an inert mass, though a highly respectable and industrious set of people, and the peasantry of those days were of course still further removed from political competency. They formed the crudest and, as yet, "slowest" ingredient of Prussian society. What is commonly called the "mob" has never existed in Prussia. No roughs, no "dangerous classes," infest the large towns, though street beggars may still be met with in the agricultural and in the Roman Catholic provinces. Prussia may justly boast of having among her children neither dandies nor roughs, neither "dangerous classes" nor idle consumers; and sweeping though this assertion may appear, its accuracy cannot fairly be impugned.

From all this it is clear that there were two centres of gravity in Prussian society. Round the one were grouped the feudal gentry, the pietistic clergy, the military men, and, whether they willed it or not, the whole staff of officials and salaried professionals; while the group attracted by the other consisted chiefly of literary and commercial men. The people were thus divided into two distinct portions, of essentially different views, sentiments, and habits of thought. Each was anxious to assert itself and to influence public opinion; and, as this could only be done through the press, the "freedom of the press" became the first political cry in Prussia. The press laws had been extremely severe, and the only concession made in this respect by Frederick William IV. consisted in exempting all publications of more than three hundred and twenty pages from the censor's control. No wonder the authors were not satisfied. The daily press was in a lamentable condition; not, of course, from any dearth of literary talent, but from want of independence. There were many things in Prussia which called for criticism and invited satire, and both wits and critics had a great deal to say. They could speak with impunity, but, if they wished to address the public in print, they had to resort to all sorts of ingenious and not always dignified stratagems. A townsman of Dr. Jacoby's published a pamphlet containing a collection of the king's choicest edicts and "cabinet orders," without one syllable of comment or preface. He was prosecuted and fined for having italicized certain passages. But the real loser was not the editor, but the royal author of the pamphlet; and the people

were delighted to see that, according to the king's law, the king's own words could not be printed with impunity. Was it not a *reductio ad absurdum?*

Similar incidents were of almost daily occurrence. The king, following the natural bent of his mind, became a political transcendentalist, acting and behaving according to principles which passed the understanding of his people. His rule was an odd mixture of feudalism and classicism, of *militarism* and pious mysticism, of red tape and *esprit.* How could the *beschränkte Unterthanenverstand*, the "subjects' limited understanding," be expected to fathom these royal mysteries? It was one of this king's ministers who originated this curious expression, which has since become a satirical household word in Prussia. The term is highly characteristic of the time from which it dates, and of the profound estrangement that had taken place between the Prussian people and their ruler.

Prussia had already fallen low enough, when the king thought fit, after long vacillation, to vouchsafe the long-promised constitution to his people. In 1847 a central parliament met at Berlin, under the name of a united *Landtag*. But Frederick William made this concession in the usual royal manner, — too late. The revolution had overtaken him and destroyed his work. A new electoral law and a new constitution had to be framed on principles, till then, unheard of in Prussia; and, bad though this new constitution was, it served at least as a vent to the long-pent-up indignation of the Prussian people. At last the discordant elements of Prussian society could now ripen into political parties. Some of the Liberals had held their maiden speeches at Frankfort and returned to Berlin as professional politicians, nothing daunted by the new parliamentary checks which kept them in a preposterous minority. In default of a more specified programme, these first parties called themselves simply Liberal and Conservative. The ultras of the latter were also known under the name of the feudals, or the "Old Prussian Party," — a term which clearly shows that their opponents were not only more liberal, but also somewhat less Prussian than they. In other words, the Liberals were peaceful in their foreign policy, and, with regard to the German question, they wanted Prussia

to become German, not Germany to be Prussianized; while the "Old Prussian Party," which surrounded and influenced the throne, were in favor of an ambitious policy, and were ever ready to fight "with God, for king and country," no matter whether their opponents were Prussian Liberals, South Germans, or foreigners. As this pugnacious party continued to be all-powerful, their principles naturally prevailed in the administration. Prussia, though armed to the teeth, continued arming. Vast sums were spent for military tailoring. The soldier's tailcoat was replaced by a tunic; the Prussian helmet was invented; and the whole system of drill and tactics revised and changed again and again. About three fifths of the state revenue was, year after year, absorbed by these extravagant reforms; and the Liberal minority, which, in this as in most other points, represented the views of the vast majority of the people, unable to discover any ground for these proceedings, began to ask, *Cui bono?* The king was urged to reduce his army. "I will reduce the sitting army," he replied, "before I think of reducing the standing one." He reduced neither one nor the other, however; and continued arming and spending, as though there were no public opinion and no parliament in his realm. He even tried his hand at a little war against Denmark, but Prussia was ignominiously defeated and blockaded by the small maritime power. It was the Liberal party who had advocated the creating of a German navy in the Frankfort parliament; and it was the king of Prussia who had ordered their ships to be sold by public auction. If the Liberals now asked their *cui bono* with reference to the Prussian war budget, the king was not likely to have a satisfactory answer for them.

The query remained, in fact, unanswered during the remainder of the king's reign (which was a time of political stagnation and growing discontent); and the unpleasant task of answering it devolved on his successor the present king. Even he has never had the courage to answer it in a straightforward manner. But he has answered it practically, by the three wars he has waged, and it was only after the second war, in 1866, that his answer was understood by the people, and deemed satisfactory.

It is extraordinary that the Prussian rulers have never availed themselves of the constitutional apparatus for the sake of exchanging ideas with their opponents. They have never condescended to explain their policy to those who opposed it, but who would most probably have approved it if they had been able to understand it. William I. found Prussian society not only divided by party differences, but torn by class-prejudices and interprofessional hatreds. The constitution did not work well. The elections were vitiated, if not by bribery, at least by systematic intimidation. Neither the Chamber of Deputies nor the press offered the necessary opportunities for discussing the all-important questions of the war budget and the military *régime* in a calm and critical manner. No wonder if the tax-paying civilian, not approving of Prussian *militarism*, gave vent to his wrath in private life whenever he was brought in contact with the man in uniform. The hatred of the two classes was of course reciprocal, and increased daily. Yet the government heeded it not. The *Junkers*, being in permanent majority and backed by the king, had it all their own way, in parliament as well as outside. The people had no faith in the usefulness of vast standing armies, and the king had no faith in the political capacity of the people. Both parties were hard and obstinate; and the ruling party was, in addition, proud and arrogant. The people naturally availed themselves of the only privilege granted to them by the constitution, — of sulking; and of that practical kind of sulking, which consists in refusing to pay taxes or to vote the estimates. But even on this point the government was more than a match for the Liberal party. It would dissolve parliament, and, if necessary, dissolve it a second and a third time. And if everything else failed, it could still outwit the opposition by falling back upon certain funds secretly (though not dishonestly) amassed in the royal treasury during the halcyon days of paternal government. The war against Austria was, in fact, undertaken on the strength of this fund.

The whole parliamentary or constitutional struggle may be called a contest between *civilianism* and *militarism*. It began with, and has never ceased to hinge on, the question of the war budget, and this was not a mere question of finance and

economy, nor of policy and expediency, but a question of principles and of ethics. The rulers of Prussia were following a traditional policy of their own, as though they had some great mission to fulfil; and, instead of explaining these secrets to the people, who were not ambitious and knew nothing about such a mission, they remained reticent or, at most, oracular.

The king had heard the *grido di dolore* of the Germans in Holstein. So, of course, had the Prussian people. But while the latter cared nothing about their grievances, and had grown so tired of them that the whole Danish question was voted a public nuisance, the king and his counsellors thought it a welcome opportunity, not only to redeem the military prestige of Prussia, but also to make the first step toward the realization of their yet unrevealed schemes. If the Prussian people had had a little more public spirit and a little more political insight, they would not have been so bitter against the king and his *Junkers* on this occasion. Prussia had become a byword at home and abroad. It had no popularity to lose, no friendships and alliances to forfeit. Moreover, the Prussian interference in Denmark was fully as just and as righteous as the interference of France against Austria in 1859; or, if the one was wrong, then the other was equally so. That foreigners cannot speak of this Danish war without crying, "Fie, for shame!" is a perfectly unintelligible fact. If the doctrine of nationalities is a fallacy, its enforcement in Lombardy was as wrong as its enforcement in Schleswig-Holstein. The incorrigible and persistent cant about "poor Denmark" shows how vicious and how worthless contemporary opinion is apt to become when those who shape and influence it indulge in loose or lazy habits of thought.

The Prussian Liberals, however, knew nothing, and did not care to know anything, about this new-fangled doctrine of nationalities. They saw in it nothing but an *idée napoléonienne;* and having no ear for sentimental grievances, and no talent for *a priori* politics, they felt as little sympathy for the Holsteiners as they had felt in 1859 for the Italians. The Danish war was so intensely unpopular, that the Liberals would not allow their own country to enjoy its fruits. Some were in favor of a compromise, and even of a restitution of the two duchies to the

king of Denmark; but all agreed in opposing their annexation to Prussia. They would recognize as ruler of the duchies anybody else rather than the king of Prussia; and went so far as to favor the claims of the Duke of Augustenburg, whose father had sold his family crown for three million dollars. The Prussian government urged the validity of this forfeiture against the son of the Duke, while the Liberals found themselves in the curious necessity of pleading that the rights to a crown were inalienable rights, thus upholding the feudal principles of legitimacy against the revolutionary principle of annexation upheld by the *Junkers*.

In spite of this apparent confusion, great singleness of purpose prevailed in both parties; although Bismarck, who had become Premier, seemed to represent a *tertium aliquid*, a new policy, till then unknown to either party. He saw, what nobody else seemed to see, the necessity of beginning the work of reform, not in Prussia, but in Frankfort. The old *Bund* was decrepit, and Germany was to be reconstructed on a new basis. Not that the German people wanted anything of the kind. But Austria was scheming, and so was Beust, the restless and ambitious minister of Saxony, who, not siding either with Prussia or with Austria, wanted the remainder of Germany to be formed into one residual state that might act as an umpire in the tripartite empire. If these schemes were to be frustrated at all, prompt action was necessary, and Bismarck urged it. But he had two obstacles to overcome, — the king's resistance, and the opposition of the Liberal party. For years Bismarck had been "snubbed" by the court before they began to listen to his counsels. In the eyes of the old feudal party, Bismarck was a revolutionist, and the Liberals called him a *Junker* to the backbone. Only the "logic of facts" came to his assistance. The Austrian war was a mere corollary of the Danish war. The duchies, remaining in the joint possession of the two victors, became naturally a bone of contention between Austria and Prussia; and Bismarck had nothing to do but to superintend the barking and biting occasioned by it.

It is probable that, if Bismarck had been more communicative and less defiant on this occasion, he might have gained over a considerable portion of the Liberal party, by convincing

them that, though a *Junker* in manners, he was no champion of feudalism, and that the time had come for taking into consideration new aims altogether unconnected with the narrow and provincial interests of Junkerdom. If the Liberals only cared for home politics and abhorred all that smacked of *la haute politique*, Bismarck might have easily explained to them that the reconstruction of Germany and the Prussian competition for national hegemony were both questions that could be regarded as belonging to home politics, if viewed from a higher and less provincial stand-point.

But Bismarck cared nothing for popular approbation, and the people cared still less for the new war, its motives and its possible bearings. They disliked their haughty rulers, and rather liked their genial neighbors, the Austrians, against whom they were bidden to fight. The *Landwehr* reluctantly donned their uniforms and left their homesteads in no very loyal frame of mind. They registered their protest against the war, by getting drunk, by demolishing railway stations, and by giving the authorities all the trouble it was in their power to give; and in this their families assisted them, not unsuccessfully, by encumbering the stations and causing, if nothing worse, a loss of time.

Yet, after all, the Prussians went to fight, and did their duty well. Their success surprised the world; but nobody was more surprised than the Prussian people themselves. A new light seemed to dawn on them, and they understood, at last, the meaning and the use of the Prussian war budget. A general and sudden revulsion of feeling took place. The campaign, though short, had brought the professional *militaires* into the closest contact with the *Landwehr*, that is to say, with the bulk of the people. *Junkers* in uniform had fraternized with burghers in uniform. The old spell, which had held them asunder like castes, was broken, and a healthier tone pervaded at once the whole mass of Prussian society. For the first time in his life the king became popular; and Bismarck, the hated *Junker*, became the hero and the lion of the day.

The successful statesman asked for and obtained a "bill of indemnity" from the converted people. The old feudal party had vanished into thin air; and their disappearance rendered

the *raison d'être* of their opponents at least doubtful. For a moment there seemed to be but one party in Prussia, Bismarck's party, which, being at once conservative at home, and national (and, therefore, revolutionary and liberal) in its attitude towards Germany, could absord both pre-existing parties. Not improperly, this new party called itself the "National-Liberal" party. Its only adversaries were the not very numerous political puritans who were by no means pleased with Bismarck's successes. Dr. Jacoby, who, in 1841, had given the first impulse to political life in Prussia, now came forth to be their leader. They were a small band and had a difficult position; but Bismarck committed so many mistakes in the administration of the newly annexed provinces, and furnished his opponents so many planks for a political platform, that their ranks increased rapidly, and in a few months a most compact and most ably led party, calling itself the "Party of Progress," was arrayed against the National-Liberal legions.

Unfortunately, the government continued to indulge in its old habits of controlling the elections, and of interfering in church and educational matters in a spirit quite unworthy of the new order of things. Eulenburg and Mühler, the two ministers most obnoxious to the people, remained in office, in open defiance of the unanimous verdict of public opinion. If the Prussians had succeeded in storming Düppel in Denmark, they had not succeeded yet in storming what the Berlin wits called their "inner Düppel," or their "home Düppel." The old mass of intrenched prejudices and fortified stupidity, which had been the late king's tower of strength, was still, though weakly manned, a virgin fortress; and, what was worse, this "inner Düppel" seemed impregnable.

Even on the German question the two new parties have never been able to agree. The Liberals had, indeed, learnt to wish for a united Germany. But what they wanted was, not a monistic German state (in Hegel's sense), not a Prussia-absorbing Germany, but a federal Germany; a union of independent states, freely and spontaneously adhering to it. In other words, they wanted to obtain union through liberty, while Bismarck's party wanted union, above and before all other things. The Liberal programme, of course, recommends

itself at once as the more just and more refined doctrine. Yet there is a good deal to be said in favor of the other plan. Bismarck was not wrong in thinking that to wait for a spontaneous evolution of the unionist sentiment in *all* the German states would have been like waiting for the Greek Kalends. He was not wrong in saying that the Germans are so fond of princes, that if they could only afford it, every German would have a king to himself. And he was unfortunately right in saying that the Germans are the only people who can spontaneously side with the foreigner against their own country.

Bismarck's opponents might retort that these traits, vicious though they seem, are so many virtues *in posse*, and that they might be educated into virtues and turned to good account; that the cosmopolitan impartiality of the Germans might be made a preventive of national selfishness, of prejudice and other patriotic vices; and that the reverential loyalty which now craves kings, might be sublimated into that love of law which is the essential condition of all self-government. The Imperial prisoner of Wilhelmshöhe is reported to have said that "Cavour would have made Germany in less time than Bismarck has done, and that without bloodshed." But then Cavour was more than a diplomatist; he was a statesman, and one that knew how to rule without a state of siege. Bismarck's greatness cannot be disputed. But the secret of his success in diplomacy lies, above all, in his blunt frankness; and he uses this hitherto unknown weapon with the same effect with which Pyrrhus used elephants against the Roman legions. If he were only crafty, he might have been outwitted by others. But he disarms his enemies by the novelty and intense originality of his method. Hence his success with foreigners, and his want of success with the South Germans, who took his bluntness for what it was, and paid him back in his own coin. A man of Bismarck's quickness of perception and quickness of temper could not have accomplished what he has accomplished by the slow process of propitiating public opinion. He acted according to his talents, and gave Germany all he could give, — a good shaking. And who, after all, is prepared to say that he was wrong, or that Germany could have succeeded without it? The southern states may be excused for disliking Bismarck and

the Prussian *régime;* but they have nothing better to boast of themselves, and need not be pitied by northern Liberals and sentimental foreigners for being slightly Prussianized. This Prussianizing is not only unavoidable, but it is the best thing that can happen to them; just as a certain amount of *Piedmontizing* was the best thing that could have happened to the Tuscans and Neapolitans.

Jacoby's "Party of Progress" would have had great difficulty in making out a clear case against Bismarck. It was idle to fight about the past. But what was the use of that past (they asked), if it was not conducive to a new and better order of things? The war budget was not only not reduced, but it was steadily increased; and the Liberals asked once more, *Cui bono?* Austria had been defeated, and France had been pacified by the neutralization of Luxemburg. The political horizon looked quite clear.

These apparently just grievances swelled the ranks of the progressist party, which would soon have given trouble to Bismarck and the National-Liberals, if it had not weakened itself by a schism. This schism was caused by the daily increasing influence of the cosmopolitan socialists of the International Workingmen's Association and the International League for Peace and Liberty, who had a well-organized propaganda throughout Europe, and whose principles and programmes could not fail to be acceptable to all liberal men, even though they were frequently vitiated by the emotional rant of men like Victor Hugo and Garibaldi. The Prussian Liberals, powerfully influenced by this agitation, had to ask themselves whether it was right to continue separating political from social questions; and as a great many of them denied this, the great Party of Progress, towards the end of 1868, split into two fractions, the one retaining the name and the programme of the old "Party of Progress," while the other, headed by Jacoby, and adopting the views of the cosmopolites, called itself *Volkspartei*, or "Party of the People." The latter held that the social problem could never be separated from the political problem; and that the exclusion of social considerations could never benefit, but only vitiate, politics. The working classes of Prussia, which, fifty years ago, were but an inert

multitude, had become enlightened enough to share these views; and, with such force at his command, a younger leader than Jacoby might have easily restored the lost efficiency of his party.

On the 20th January, 1870, he said to his constituents: "The conquests of the blood-and-iron policy, the din of arms which has reverberated in our day, the struggles and the combats which occur for the sake of dominion and power, — these are but ripples on the surface of the stream of time. In the hidden depths, slowly but steadily, advances the science of nature and of mind, and, with this science, the consciousness of the independence of man, the world-moving idea of the liberty, equality, and fraternity of all."

On the 7th of June he invited his party to adopt as their programme (for the coming elections) the complete separation of Church and State; complete secularization of public instruction; reduction of the term of military service; reduction of the war budget, and, if necessary, refusal to vote the estimates.

There is no doubt that these ideas began to gain ground. The elections, if they had taken place before the present war, would probably not have pleased the government. Even Napoleon had speculated on this. But the Emperor's rashness and folly helped Bismarck out of his difficulties. The declaration of war did in one day what Bismarck alone had failed to accomplish in four years. It united Germany and disarmed Bismarck's opponents in Prussia. Jacoby stood isolated on his newly erected platform. His audience had rushed to arms.

Such is the last stage in the history of political opinion in Prussia. The war of course is popular. Even Jacoby's friends could say nothing against a defensive and unprovoked war. Nor is the obnoxious war budget likely to be attacked even after this war. France may wish to revenge herself, and Bismarck thinks, with Rousseau, that *l'offensé peut pardonner; l'offenseur ne pardonne jamais.* Russia, too, may have to fight, one of these days, for her Baltic provinces. All this is possible; and, whatever Prussia may do with her war budget, it is obvious that the new German Confederation must remain a military power for some time to come.

Under these circumstances the prospects of civic liberty

would be dark indeed, if its champions were to continue wasting their energies on an object before having brought it within their constitutional grasp. The obvious duty of the Prussian Liberals is to begin by extending their parliamentary competence. There is, as yet, no monarchy, however limited, where the king does not enjoy the exclusive right of making war and peace. The people are supposed to hold the purse-strings, but the initiative belongs to the king. Royalty naturally clings to this prerogative, which is, in fact, the last shred of reality left to it. But the sooner this, too, is wrested from it, the better it will be for mankind. The Prussian Liberals will do well to make this a plank of their future platform. Their strenuous opposition to the war budget never implied any Quakerish unwillingness to fight for their country, but only a disapprobation of secret diplomacy. In the present case, the political horizon seemed cloudless. If a storm was brewing, why did not our Fitzroys hoist their drums and cones in time? When the storm has begun, it is the fashion to call upon the people to "do their duty." Even Napoleon had learned this Nelsonian phrase. But what duty? the people may ask. And who is the "God of battles" whom both king and emperor invoke as if he were a special court deity of their own?

It is difficult to judge of the righteousness of a war. Popularity proves nothing, the emotional surface being generally the same in both hostile camps. Both Greeks and Trojans shout and boast, and think but little about the royal "deliria" which they are called upon to atone for. But if the goodness of a cause is rarely absolute, and if the popularity of the war, the pugnacity of the soldier, is the result, rather than the cause, of its outbreak, the real test of its legitimacy must be sought in *popular initiative*. The readiness of *assent* to a war declared by a king shows nothing beyond the degree of culture reached by the people. But the spontaneity of popular demand, the initiative taken by the representatives of the people, would make any war, if not righteous, at least technically legitimate, inasmuch as the responsibility for international butchery would rest on those on whom it ought to rest; neither on an individual nor on ignorant masses, but on the lawgivers of the nation.

Ernst Gryzanovski.

Art. III. — Mr. Bryant's Translation of the Iliad.

An age that has so many things to study and admire as ours cannot understand the large space Homer filled in the Greek mind. His poems were to the Greeks, in their best days, at once the standard of perfection in literature, the proud record of their early history, the chief text-book of education, and the Bible of their religion. If our civilization were as independent of Greece as of India or China, they would still be a fascinating and instructive study. But who can say how much we owe to them? A critic of authority asserts that "the battle of Marathon, even as an event in English history, is more important than the battle of Hastings. If the issue of that day had been different, the Britons and Saxons might still have been wandering in the woods." * With at least as much truth it may be said that Homer is a more important name in English literature than Shakespeare. The activity of modern mind is traced to what we call the revival of letters, that is, of Greek thought and taste; and all that Greece left to the world was but the harvest of which Homer was the seed. It is easy, therefore, to justify the persistent efforts of recent scholarship and genius to bring these poems into our mother tongue; and only a rash and narrow judgment will conclude in haste that the forty metrical translations of the Iliad already published, and the new one that appears every year, are wasted labor. The author of each of them has seen before him a staring gap in our literature, and has tried to fill it, and such attempts are sure to be continued until the work is pronounced, by common consent, either achieved or impossible.

Mr. Bryant's translation of the Iliad has peculiar claims upon critical attention, both because it is the work of a poet eminent for his original writings, and because it has already won much favor with the people. Most of Mr. Bryant's predecessors in this field are known only to a few students, and by the association of their names with Homer. But three of them can be called English poets; of these, Chapman published the Iliad in 1611, Pope in 1720, and Cowper in 1791.

* Edinburgh Review, No. LXXXV. p. 343.

Only one more, the Earl of Derby, whose work appeared in 1864, has found a very wide circle of readers. Mr. Bryant's Iliad comes to us, too, at a time when Homeric translation has been actively discussed by scholars, poets, and critics. Some of the questions this subject suggests have drawn opposite opinions from writers of great intelligence, and remain unsettled in the general mind; yet the discussion seems to have reached some definite and valuable results, worthy to be gathered with care. And all that is new and important in these results depends so closely upon the wonderful progress which criticism has made, during the last eighty years, in the understanding of the Homeric poems themselves, that it can be properly approached only through what is called "the Homeric controversy," — the most fiercely contested battle-field in the history of literature and perhaps the most important. For the issue is not upon a mere question of classical learning; it is not, which of two opinions we shall hold concerning Homer. The fury of the hosts that gathered around Attila in the plain of Chalons, and struggled from dawn to thick night for a little hill beside the Marne, was not kindled by the desire to possess that hill. And the spirits of the dead, who rose from the field and clouded the sky over it with conflict, were destinies contending for Europe and mankind. So the controversy about these poems is between two schools of thought, two methods of inquiry, and a whole intellectual empire is at stake. All traditional and conservative forces are gathered and intrenched on one side; all the sceptical and progressive forces, to which the fresh activities and splendid victories of modern thought are due, advance against them on the other. The struggle links itself on every side with the competing methods of inquiry in other provinces, and a complete history of it would be an epitome of the history of criticism in its best age, and its most characteristic features.

When we ask, What was the origin of the Greek epic poems? ancient records give no answer. In all the monuments of Greek history there is not a word of evidence upon the subject. Homer is but a name for the old collections of poetry; and nothing tells us when or how it became connected with them. There are many volumes of learned researches into

what is called the testimony of antiquity concerning them; but they might almost as well be filled with inquiries into ancient records of the origin of the sun. Both Wolf and his opponents gather from Ælian, Josephus, Lucian, Pausanias, and Cicero assertions or so-called traditions about Homer; much as an industrious compiler might be supposed to "collate" all that Shakespeare, William Harrison Ainsworth, and the Windsor Castle guide-books say about Herne the Hunter, and call the result "the historical testimony" concerning him. The Greek race enters history with the Iliad, the Odyssey, and the Homeric hymns, substantially as we have them, in its hands; all that the Greeks believed concerning them they inferred from the text of the poems, and we have but the same source of information. Yet their unquestioning belief that all these works were the productions of one great mind is not entertained by any scholar of the nineteenth century. There are still men of intelligence who defend what they call "Homeric unity" against sceptical criticism, and who appeal to the belief of the ancients in it as an authority for us; but not one of them will deny that the so-called Homeric hymns are demonstrably fragments from different minds and different ages; or that Thucydides himself, the most critical intellect of Greece before Aristotle, was mistaken in confidently ascribing to Homer even the best of them, the composite hymn to Apollo. The appeal, so often heard, to "the united testimony of antiquity, that one Homer composed the Iliad and the Odyssey," is utterly misleading. There is no such testimony; and the ancient belief in Homer has precisely the same weight in favor of the hymns that it has in favor of the epic narratives; if it proves what those who plead it claim, it proves also what they deny. To him who knows anything of the nature of traditional belief or of the history of apocryphal books, the ancient Greek assumption of one author for the poetry they loved and admired, is the easiest fact to account for. That it was general does not, in the absence of all evidence, raise any presumption as to their origin. It would have been as general, had the poems been found in an old chest. The undisciplined mind has an infantile intolerance of doubt; the unclaimed goods of tradition are quick to find an owner; and just as all the myths

and stories of superhuman strength clustered closely around the one heroic name of Heracles, so it was enough to give a name to the demigod of poetry, and all the noble song of the nation was ascribed to it.

The student must therefore turn to the poems, without prepossessions, and ask of them what they are. The Iliad and the Odyssey differ widely from any literature of our own day. They come to us as "books," but the first step towards understanding them is to free the mind from all its associations with a book, and to conceive how little they have in common with the writings even of poets. Modern poetry has its own dialect, and is addressed to people of culture; they speak to the rude throng of men, in their own homely words. The favorite verse of these times seeks effect in pregnant allusions, in fanciful metaphors, in nicety and refinement of thought and language; but none of these exist in Homer. Authors write carefully at their desks, for the reading eye, which can linger upon words and lines; but the epic stories are addressed directly to the ear, which hears once and continuously; and their power lies wholly in the persons, things, and incidents which they bring broadly and clearly before the mind, and in the melody with which they charm the ear. They are the popular ballads of a society as strange to the Greeks whom we know in history as to ourselves; one in which passions are fierce and outspoken, the arts of peace are rudimentary, war is the only work for greatness, and strength and cunning are the measures of a man. They were certainly composed among a people to whom written poems were unknown; and they were designed for recitation to throngs of warriors, to whose martial spirit their appeal is the most effective ever made in words. They set us in a world of men without an alphabet, with keener eyes and ears, simpler lives and directer passions, than ours; and no world of men has ever found nobler or more adequate expression than this has in them. Their greatness is wonderful and valuable to us, precisely because it is the most different conceivable from all other literary greatness. Every nation has its popular ballads, but the best are to them as turbid pools to the ocean. Other races have their ancient epics. Northmen, Poles, Gaels, Germans, have immemorial songs of war which fond students

call other Iliads, but they serve only to show that there is but one.

The reader who knows his Homer as a printed book, and as the traditional model of epic poetry, has much to unlearn. The Iliad, the Æneid, the Paradise Lost, are they not alike complete poems, in which the end is held in view from the beginning? Has not each a plot, carried out with a skill worthy of the genius which has elaborated the details? Is not each a work of art, addressed as a whole to the reader, and implying a plan rigorously mapped out by the creative mind? Who but depicts to himself the author, pen in hand, writing and revising for years at his desk, and feeding his ambition with the hope that his pages will outlive him? But the proof is complete that no author ever wrote the Homeric poems, and that they were not meant to be read. The first use of writing was to preserve public records of laws and of memorable events. It was used for these purposes long before it was applied to literary composition; long before reading and engraving or writing ceased to be the mystery of a few, and became a part of the general stock of intelligence. But there is no reason to believe that public inscriptions existed in Greece before the beginning of chronology, the first Olympiad. Tradition, as reported by Strabo, asserts that the laws of Zaleucus were the first to be written in Greek; and if a lawgiver of that name lived at all, it was certainly in the seventh century before Christ, when the Iliad was as old as the Canterbury Tales are now. The institutions of Sparta were a growth of the ages following the Dorian invasion of the Peloponnesus; yet not only do ancient writers agree that the so-called laws of Lycurgus were not written, but the entire want of records concerning the origin and growth of these institutions proves that public historical monuments were unknown. Had the early Spartan rulers, even centuries after the Homeric times, been able to keep such memorials, we could now know whether to look upon Lycurgus as a man or as the shadow of a name. No line of history from all those generations reached Herodotus, who searched Greece for it. Were thirty thousand lines of poetry preserved in writing?

The poems themselves testify that they were composed when writing was unknown. With scores of occasions for the use of

the art, it is not mentioned. The word which afterwards meant *write*, means *scrape* or *scratch* in Homer. The shield of Achilles bore no legend. The famous message of Prœtus to his son-in-law was in conventional symbols, engraved on a tablet, to be "shewn" him; * and the description excludes alphabetical writing. The structure of the verse is for the ear, not the eye; for recitation from memory, not reading. It is full of inartificial repetitions and catchwords. The forms of words are handled with a freedom never seen in written speech. It contains at least one ancient sound, known as the digamma, which had disappeared when the Greek language became fixed by writing, and which never had a representative in the alphabet. This sound was indeed already falling into disuse when the songs were composed. But when they were written down it was forgotten, and to this ignorance of the scribes the most striking defects in the Homeric versification can be directly traced. No reader of his vivid pictures doubts that Homer describes the society in which he lived. There is no room in it for a "reading public," and therefore none for a writing author. The publisher and his wares were as little dreamed of as the spectroscope or the Positive Philosophy.

The Greek language took its early culture and its literary form from the poets of the people. Prose composition was unknown when there were no written records; and whatever was stored up in the nation's memory was deposited there in metrical form by the bards. This fact stamped itself on the verse in peculiarities shared by no verse now made. The language grew into life and power with the poets, uninfluenced by prose works; and therefore diverged on their lips from the character of prose and the usages of logical speech more widely than among any other people. The metrical structure of Greek poetry is founded on quantity, while that of modern poetry is founded on accent. The distinction is fundamental, and di-

* Iliad, VI. 168, *seq.* Little has since been added to the complete examination of this passage by Wolf, Prolegomena, p. lxxxii, *seq.*; and his inferences are now generally admitted, in spite of an occasional protest, as by Bergk and Ameis. Yet if the σήματα λυγρά were one thing, and the θυμοφθόρα πολλά another, as Ameis insists (Anhang zu Homer's Iliad, II. 68), and the latter were certainly alphabetical language, we should be as far as before from written literature for a reading community.

vides the art of versification into two arts, which appear to have less in common the more we study them. Accentual verse is read in a conversational or inflected voice, with the flow of the metre marked by the regular recurrence of the accent, and varied by the irregular and intelligent distribution of the emphasis; but quantitative verse so read ceases to be verse. To read Homer according to the Greek accents is to read prose. To read Homer according to the quantity is to drop the accents entirely; to sacrifice the logical or prose element wholly to the metrical element; to address with the voice no longer the mind, but the ear. This is not what we call reading, but what we call "chanting" or "intoning." The inflections by which the prose voice slides, upon each syllable, up or down the musical scale, are lost; and each syllable is uttered in a monotone of such length as its metrical value requires. Such recitation as this is not tolerated in modern reading, and is rarely heard, except in solemn chants, or among Quakers and Methodists in the exalted fervor of religious exhortation or prayer. That the early Greek poetry was composed to be thus chanted, before throngs of men who listened to the bard as inspired, is the explanation of that close alliance with music which appears in its quantitative structure. It was for ages the only literature of the nation; and the later poetical culture of the language took its direction and character from the earlier, and, in its turn, controlled those of its own echoes in classical Rome. But when poetry ceased to be chanted, quantitative melody ceased to be intelligible; the classical metres were abandoned by the people and only cultivated by curious scholars, and the ballads of later Athens and Rome became as purely accentual as the speeches of Demosthenes or Gladstone.

The poet of early Greece "sang" to his hearers. "Sing the wrath, O goddess, of Peleus' son, Achilles," begins the Iliad. "Tell me, muse, of that man of the world," is the opening of the Odyssey. When the bard Demodocus was called on to entertain the guests of Antinous with his art, "He smote the strings, and struck up the charming song."* Ulysses finds it "a delight to listen to a bard such as he is, like in voice unto the gods."† Poets of later days have indeed adopted similar

* Odyssey, VIII. 266. † IX. 3.

language as a fashion. Virgil begins his sonorous artificialities with "Arms and the man I *sing*"; Milton invokes his heavenly muse to "sing"; and Pope, as he sits down to describe Messiah's coming, writes, "Ye nymphs of Solyma, begin the song"; until, in our modern speech, almost made up of fossil metaphors, and incapable of conveying any direct and simple thought, we have ceased to think of "singing" in such a connection as anything but the dexterous arrangement of written words upon a page. Homer has no such metaphors; to him song is song and speech is speech; and when he sings, he utters melodious words to a musical strain, simple indeed, but as remote from the inflected and logical succession of sounds in prose, as the death-song of Norma upon our stage is from Brutus's funeral speech over Cæsar.

The Homeric poems, then, are a great people's songs; which, by their own extraordinary merit, became the germ or "the nest-egg," as Archdeacon Hare calls them, of all their later literature. It would be absurd to suppose that they grew up alone; that the Iliad and the Odyssey were the first or the only poems of their class. The earliest efforts of the poetical imagination for utterance must have been rude and short. The hexameter verse, and the language of which it seems to be the natural musical form, must have been the gradual product of generations of bards. In Homer's day, minstrelsy had come to be a recognized profession, in which men were called by conscious genius, and confirmed by the popular approval. To themselves and their hearers alike their work was wonderful; that it was divinely inspired, they were as confident as the Hebrew prophets or the Christian apostles; knowing nothing of themselves, they sang as the muses taught them, who knew all things.* To these they appeal, in simple trust, when something remote or obscure is to be made plain.† The bard is welcomed everywhere, as a favorite of the gods, and is chosen for the most delicate trusts.‡ He is honored for the sake of the divine power which speaks through him; but he must not take the honor to himself, or the muses will recall their

* Iliad, II. 484–486. Odyssey, VIII. 43, 73, 480; XXII. 347.
† Iliad, II. 761; XI. 218; XIV. 508.
‡ Odyssey, III. 267; XVII. 518.

gift.* Accordingly, the songs they have left us are the most impersonal and picturesque poetry in the world; not Shakespeare's own feelings, views, and experience are so utterly hidden behind his art as Homer's. The highest eulogy that could be given to a man who told the story of his life was that he spoke as truthfully as a bard, and charmed the attention like a minstrel's song.† These poets expressed the whole literary activity of their race; they framed its mythology, they awarded to warriors and statesmen their meed of fame, they filled the leisure of princes and subjects with delight, and "as gods were revered by the people." Their choicest songs were of course sought for most often and eagerly; ‡ and these were improved at each inspired repetition by their authors, and again by the highest efforts of each bard who learned them, repeated them, and taught them to their pupils. Brief lyrics of triumph and suffering might thus grow into longer narratives of war and wandering, yet retain the same lyric § character. Indeed, this character was so firmly inwrought in the Greek mind, that all the great poetry it produced grew naturally out of the public "singing" of the bards. The dramas of the golden age of tragedy were modified lyrics; and the introduction of dramatic dialogue in the midst of choral song, and its gradual growth, until the dialogue became the burden and the chorus its ornament, may be plainly traced. Thus Greek poetry as a whole is the most spontaneous expression a beautiful national mind ever found in beautiful speech; it is that which best answers to the ideal of all poetry, —

> "I do but sing because I must,
> And pipe but as the linnets sing."

Are the Iliad and the Odyssey, then, substantially as we

* Iliad, II. 594 – 600.

† Odyssey, XI. 368; XVII. 518.

‡ Odyssey, I. 351.

§ The word "lyric" expresses my meaning exactly, notwithstanding the clear distinction between what is known to scholars as lyric poetry and as epic poetry. This distinction is often pressed too far. Terpander himself, according to Plutarch, set Homer's verse to his heptachord. Remote as the songs of observed and imagined facts and events may in theory seem to be from the songs of personal emotion, they really run together indistinguishably. How many readers fail to detect, in Iliad, XXII. 393, 394, the pæan that Achilles, in the fury of triumph, sings over Hector slain!

have them, the works of a single mind? Does Homer mean to us a personal author, with a definite place in the hierarchy of literature? Antiquity says, yes; and it has been easy and fashionable to decide in favor of antiquity with a word. This verse, it is said, is the loftiest ever written; it is at least worthy to stand beside that of Æschylus, Dante, Shakespeare, Milton, — such poets as no age ever produced in pairs. The highest honors of poetry cannot be divided among a school or class. The aggregation of any number of secondary minds weighs nothing, in creative art, against one master genius. "Some people believe in many Homers, we in one; Nature is not so prodigal of her poets," is the judgment of Christopher North, which has now become classical. "Il y a une chose cent fois plus extraordinaire que l'existence d'un Homère unique; c'est l'existence de deux Homères," writes Alexis Pierron. To this it is often added, as a parting broadside upon a routed foe, that there is a uniformity of tone and style, a consistency of characters, events, and beliefs, and a harmonious elevation and dignity throughout the two poems, such as compel the reader to refer them to one intellect.*

The lover of the Homeric poetry will not easily be led to slight its greatness. In some important elements of poetical power it is unsurpassed by any other writing, and unapproachable by any modern rivalry. In picturesqueness, in simple directness of speech, and in musical flow, most of it is great; in unlabored and unstrained tenderness and elevation, it has passages equal to the noblest of imaginative products. Framed to strike first the ear, and the mind through the ear, it lacks the intellectual suggestiveness of modern verse; composed in simple and homely words, it is lavish of sounds, and unstudied and careless in its abundant use of epithets; it yet deals with these words as a raw material, shaping them to its will, filling them out, and rounding them off, and indeed bending all the

* Mr. Gladstone writes, in behalf of Homeric unity: "I do not hesitate to say that no work known to me presents, in any degree equal or approaching to these poems, the proof, in kind among the strongest of all, which arises out of natural unstudied consistency of detail." (Juventus Mundi, p. 25.) This broad assertion is a fair specimen of the treatment the Homeric problems have commonly received from the British mind.

customs of speech, within the limits of easy intelligibility, to its first great law of melody. Its full, organ roll, its fearless repetitions, its want of logical emphasis, of allusion and metaphor, its prodigality of comparison and description, its unreserve and directness, never hinting at aught it does not speak out, its impersonal and serene calmness, even when most rapid, and its fierce and terrible expression of passion, especially of the fury of battle, distinguish it for the modern reader from other poetry, and thus may seem to him to be the characteristics of one great genius. But reflection shows that these elements of excellence are chiefly the characteristics of the times and the nation in which they appeared. This poetry as a whole is great, precisely as the heroic age of Greece was great. It is a condition of all sound criticism to know, though it is a hard lesson and well learned by few, how far the most individual works of genius are the product of the times and the intellectual society in which they live, and how small a part of them is due to the distinguishing endowments of their authors. It is the childhood of thought that will worship heroes and demigods, alike in war and in literature. We cannot understand an age in which there were many bards capable of songs that can stand beside the Ninth or even the Tenth Iliad; not so much because the degree of excellence is so high, as because the kind of excellence is now quite unattainable. We can no better understand an age in which the common people could find recreation and delight in the Athenian drama; and the genius which could take pleasure in a new Æschylean Trilogy, set before us in English just as it was on the Greek stage, is as rare now as the genius which could produce it was then. An imagination strong enough to grasp the conditions of other times than ours is demanded in an historical inquiry, and the error of ascribing to individual genius all that we find wonderful in Homer is like the error of calling Cato wicked, because he did not observe the Christian law of marriage, or a foreigner stupid, because he does not understand our language. The famous skeleton of a fossil man found some years ago in the Neanderthal is of gigantic strength, but was he stronger than his fellows? From this alone, the presumption is rather that our ancestors, at a remote epoch of their

struggle for existence, were as superior in strength of body to us as the wild boar of the Rhine forests is to the stalled and fatted swine. Now the mental world of the Homeric poems is at a distance from ours which a geological epoch, in physical life, scarcely represents. All of their peculiarities which may belong to that world, rather than to the mind in which we see it, are no evidence whatever of unity of authorship. And such are most of the characteristics which have been offered as such evidence.

It remains true that the Homeric poetry is immeasurably above all other popular ballad poetry. But the ballad poetry best known to us has been the work of the common mind, after intelligence, education, ambition, and genius had risen out of it. It was not Shakespeare, Ben Jonson, Fletcher, and Lord Bacon that sang the ballads of Elizabeth's reign; but in heroic Greece the epic ballads were the one literary expression of the national mind. All that was highest in genius and intelligence was poured through this channel. The Greeks begin their recorded career with the germs of supreme excellence in imaginative art; they bring these with them from unknown days. It is a wonderful assumption indeed that the race which, in a few generations, afterwards gave to the world its best models in every form of expression, and led mankind with achievements in art such as no other people have even fully understood, had possessed in its long earlier centuries but one eminent productive mind. M. Pierron's epigram has more force when read backwards; there is one thing more incredible than two or many Homers: it is that one Homer alone, without imaginative ancestors, companions, or rivals, arose and sang once for all the immortal epics, for which no previous culture had prepared him or his audience. He who believes this must also believe that an author who could not write composed poems of twelve and of fifteen thousand lines; that he taught them to others; that they passed orally to a remote posterity; that the only occasion for which they were composed was the recitation or chanting of bards, chiefly in assemblies of warriors; and that thus, and for this use, Homer constructed, and the Greeks preserved, a work, the rapid and continuous utterance of which would occupy thirty hours.

Do the Homeric epics themselves furnish no thread to guide the student out of this labyrinth of improbabilities? Is each of the poems a single and compact conception? Are both of them plainly the expression of one master mind?

The theory of "one Homer" is refuted by comparing the Iliad with the Odyssey. Assuming, for the moment, that each is the work of one author, they cannot be works of the same author. They represent, in many respects, different stages of culture and of religion. The popular mythology is the very soul of each poem, but they do not teach the same mythology. Scylla and Charybdis, and the Sirens, who act so large a part in the Odyssey, are not only unknown to the Iliad, but they belong to the magical class of wonders, of which it has but a trace.* The same is true of Proteus, and his changing form; of Æolus, and his gift of favorable winds in a bag; of Circe, and her enchantments; of the voyage to the under-world; and of the Cyclops. Still more remote from the supernatural machinery of the Iliad, which is always moved directly by the gods, are the magic ships of the Phæacians, which knew their own way everywhere without pilots,† the rocks which even birds cannot safely pass in flight, but which draw ships irresistibly to their ruin,‡ the lotus which destroys the memory,§ and the moly, which is a countercharm against magic drugs.‖ In all this the Odyssey is more than half-way from the Iliad to the Arabian Nights. The wife of Hephæstus in the Iliad is one of the Graces; in the Odyssey, Aphrodite herself.¶ Zeus in the Odyssey is omniscient, even of the future; in the Iliad he is deceived by Here, and knows nothing of her secret plans.** In the Odyssey "the Deity" is omnipotent; "the gods" are omniscient; Zeus is the supreme father and creator of mankind;†† but all this is strange to the Iliad. The gods of the two poems are commonly visible under different conditions. Those of the Iliad, though less de-

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* In the golden handmaids of Hephæstus, XVIII. 417.
† Odyssey, VIII. 556.
‡ XII. 62.
§ IX. 94.
‖ X. 287, 305.
¶ Iliad, XVIII. 382. Odyssey, VIII. 268.
** Odyssey, I. 37; IV. 379, 468; XX. 75. Iliad, XVIII. 184.
†† Odyssey, XIV. 444; XX. 202.

veloped in attributes than those of the Odyssey, are more remote from man, so that the deification of men * is a conception quite foreign to the former poem. Olympus, the home of the gods, is in the Iliad the mountain of that name, with its many peaks, and covered with snow; but in the Odyssey it is a serene and heavenly dwelling-place beyond the reach of snow, storm, or rain.† The higher position of women in the society described in the Odyssey is noticed by every reader.

A long and tedious list might be made of discrepancies in detail, in myths and events, and in the characters of persons common to both poems. But it is in the moral tone and the moral standards they express that the profoundest contrast exists between them. As a rule, power is its own justification in the Iliad; but in the Odyssey right is under the guardianship of the gods. The deities of the former are arbitrary and unscrupulous, and religion is practised to win personal favor with them; but those of the latter rule in the interest of social order and a crude law of benevolence, and piety obtains their moral approval. Napoleon found Providence always on the side of the strongest battalions; and so in the Iliad, weakness and helplessness are the unpardonable sins. But, in the Odyssey, strangers and beggars are under the divine care; charity and hospitality, even command over appetite and magnanimity towards fallen foes, are directly taught. It is not to be assumed that two poems with so much in common, so nearly alike in language and style, either of which would be quite destroyed by striking out the lines and passages found also in the other, arose in different communities. The natural inference is that the Odyssey was composed among the same people, but in a later generation, after an interval of rapid and profound moral change. Rapid it must have been, for the epic language changed but little in comparison. The Odyssey has but ten or twelve words in familiar use which are not known to the Iliad; and the most important of these are such as the new moral ideas required for their expression.

The whole argument for Homeric unity from the excellence of the poems, and from their harmony of style, suffers ship-

* Odyssey, V. 334. See 135, 209.

† Iliad, I. 420, 499; XVIII. 186, 616. Odyssey, VI. 44, etc.

wreck on these facts. It is clearly more incredible that the same author composed these works than even that two or many Shakespeares should appear at once. There is, however, no such alternative, except for minds which ascribe to individual genius all that is strange to us in the heroic age. In any case, the fact is demonstrated that the Homeric poems are not the products of one author, that Homer is a collective and not a personal name. The traditional glories of that name no longer embarrass the inquiry. Criticism is free to examine each part of the epic poetry concerning its origin. It is the Iliad alone which here demands attention, and the careful reader of it, who has been taught to regard it as a work of art and the model of all "the unities," will not want for surprises. Pylæmenes the Paphlagonian, who is killed by Menelaus and Antilochus, weeps at his son's funeral ten days later.* Schedius, a prince of the Phocæans, is killed by Hector for a son of Perimedes, and afterwards, in the same day, is killed again by the same hero for a son of Iphitus.† Euripylus and Lycomedes both give Apisaon the same mortal wound on different days, and have the exploit celebrated in the same words.‡ Glaucus is severely wounded in the morning, and stopped from fighting; he remains so in the evening and frets over his helplessness; but, in the mean while, he has been in front of the fight defending Hector.§ Sarpedon is borne from the field in agony, with a great spear through his thigh that has grazed the bone; but two days later he rushes on the Argives like a lion.‖ Teucer the archer is struck down, his shoulder crushed by a huge stone, and next day wields his deadly bow without a hint of trouble.¶ The Greeks spend a whole night feasting, and when dawn appears immediately take breakfast.** All the armor of Patroclus falls from him in the fight, but after he is dead it is stripped from his body.†† Even the myths of the great Olympian gods are varied; thus Hephæstos gives utterly inconsistent accounts of his fall to earth.‡‡ These are instances of curious discrepancies, but there are many more of similar kinds.

* V. 576; XIII. 658.
† XV. 515; XVII. 306.
‡ XI. 577; XVII. 348.
§ XII. 386; XIV. 426; XVI. 508.
‖ V. 660; XII. 292.
¶ VIII. 325; XIII. 170.
** VII. 476; VIII. 53.
†† XVI. 793, 802, 815; XVII. 125, 205.
‡‡ I. 593; XVIII. 397.

A few of them might be explained by corruptions of the text, consistently with the original unity of the poem. But the tendency of editors is always to remove such difficulties, rather than to introduce them, and these are far too numerous and important for a work of art which is substantially one.

But no general view of the poem can be founded on mere inconsistencies of detail. They are important merely because they have never been satisfactorily explained upon the traditional theory; while, upon the critical theory, they are precisely what must be expected. It is the absence of any consistent and organizing plot in the Iliad, as a whole, upon which the argument depends. This want can scarcely be too strongly stated; it is absolute. No scholar has imagined that the poem is properly "The Iliad"; for the fate of Ilium, though predicted from the beginning, is not reached at the end. The first lines set before them "the wrath of Achilles" as a burden, his wrath against the Greeks, not the Trojans; but if the whole twenty-four books are read in view of this theme, by far the greater part of them fall away entirely, having no artistic connection with it. Volumes have been written to explain that the "plot" of the Iliad is the history of this wrath; that Achilles withdraws, offended, from the war, and that the Greeks in his absence are helpless before the valor of Hector, until the invincible hero, his rage turned against the Trojan by the fall of his friend Patroclus, returns to kill him. But if so, never was "plot" so little respected by its author. Ajax repeatedly proves himself superior in the field to Hector, who is saved from death at his hands only by flight. Patroclus himself gains a greater triumph over the Trojans than Achilles, routing them so that his triumphant entrance into the city is only prevented by the interference of Apollo.* Nor is Patroclus conquered by Hector; but Apollo struck him powerless, and tore all his armor from him; Euphorbus pierced him in the back with a spear, and only then, when he was already wounded and in retreat, did Hector give him the final blow.† As little glorious is the triumph of Achilles over Hector, won by the gross deceit practised on the Trojan, and the active help given to the Greek by Pallas Athene.‡ Was the

* XVI. 698. † XVI. 790, etc. ‡ XXII. 226, 277.

great poet without the art to magnify his hero, or to give emphasis to the climax of his story?

How is the fifth book, the longest in the Iliad, related to "the plot"? It contains no reference to the wrath of Achilles; but celebrates the warlike glory of Diomedes, making his exploits more impressive than those of the son of Peleus at his greatest. Diomedes fights fearlessly with gods against whom Achilles does not lift his spear; with Ares and Aphrodite, far higher divinities than the river-god Xanthus, who puts Achilles to flight. It is only when read as a distinct poem that "the valor of Diomedes" is properly enjoyed. This is equally true of the ninth book, the night embassy to Achilles; which accords well with the general tenor of what precedes it, but is plainly not held in view in the after-narratives. Although "the wrath of Achilles" finds here its highest expression, the charming story of it cannot have been known to the bards who represent that wrath as softened upon much slighter occasion than was then offered in vain. The tenth book, too, is an independent song. It tells another story of the same night as the ninth, and occupies Ulysses during the same time in another way. An epic poet hurrying to the crisis of his story will surely gather rapidity and fire, shorten his descriptions and episodes, and steadily advance his action; but in the Iliad the books which precede the climax of the so-called plot, those which contain the deeds of Patroclus and the battles around his body, are precisely the ones in which descriptions are most lavish, and the action in hand most strikingly and most needlessly retarded. Events are often made so prominent that the reader naturally expects them to lead to important situations and actions; and then they disappear, as if forgotten. In the eleventh book an elaborate account is given of the occasion for an embassy from Achilles to Nestor. He sends Patroclus to inquire if it is Machaon that is wounded, and to bring him word; but the story is never resumed. In the twelfth book the chariots of the Trojans are left at the ditch they pass, and they press on to the fleet on foot; but at the fleet the chariots are in the fight again, and Hector leaps from his car to slay. Of such loose, unwoven threads a great part of the Iliad consists. If the Æneid or the Paradise Lost were handed down to us in twenty fragments, these could

be pieced together to completeness as certainly as a dissected map; but if the Iliad had come to us in scattered songs, as tradition says it came to Peisistratus, living scholars would not easily be convinced that all these originally formed a whole.

The reader who has once permitted himself to doubt the original unity of the Iliad will find his doubt rapidly growing to disbelief, when he reads it consecutively, with careful attention to the style and versification. But few of the marked differences he will observe can be set forth in brief and precise language, without long citations from the Greek text, and without appealing to principles which would require discussion. But some of them are too obvious to be overlooked. For instance, there is a peculiar tone in all the later books, beginning with the eighteenth. The sound is in epic poetry the first consideration, but it is more so here than elsewhere. The verse has a rolling fulness and richness, even when the sense is barren, such as no preceding book, save in part the tenth, possesses. Strange words occur, especially sonorous compounds; there is a frequent and singular use of proverbial language; and there are some startling artifices of versification, wholly unlike anything in the rest of these poems.* The study of the versification alone will be found, indeed, to afford an independent proof that different parts of the Iliad were composed, not only by different authors, but at different periods. For instance, when the first half of the second book was made, the semi-consonant sound or sounds called digamma occurred at the beginning of a number of words in which it had already been dropped when the fourteenth book and the last part of the fourth were composed. From an examination of the same class of words, and of the care with which the rules of euphony in the position of the metrical pauses are observed, it is certain that the first, seventeenth, and twenty-second books are, in the main, decidedly older in language and more skilfully versified than the twelfth and twenty-third.

The spirit of such criticism is often reproached as negative and destructive; but civilization is measured by the encroach-

* See for such proverbial expressions, XVIII. 108, 309, 328; XIX. 221; XX. 242, 248; XXI. 63; XXII. 490; XXIV. 49, 525, etc. And for surprising and effective repetitions of metrical clauses, XX. 371; XXII. 128; XXIII. 641, etc.

ments of doubt upon traditional beliefs. The ability to weigh evidence against what he has long accepted as certain, is the mark of the trained mind. He who substitutes a just doubt for an unproved belief is as really a discoverer of truth, and does it a service as substantial, as he who frames and proves a final theory. The vulgar mind is incapable of doubt, and clings to its beliefs, even when they are not in their nature susceptible of proof, with a tenacity which the most probable inductions of science cannot command. As yet no history of the Homeric poems can be written, and any account of them which aims to be satisfactory must be largely conjectural. On some of the chief problems they suggest, such as the origin of their mythology, the very few students who are capable of an independent judgment have not approached an agreement. But some valuable conclusions concerning their nature are established; these are sure rapidly to become a part of the literary consciousness of the age, and to be the traditional beliefs of the future. They are founded upon the broad views of history and of literature, on which all recent progress in the knowledge of antiquity depends. Any treatment of the Iliad which begins, as most of the discussions of it accessible to the English reader begin, by rejecting the results of criticism, are but temporary and misleading echoes of an exploded superstition, which will hereafter be remembered with the crystal spheres by which Ptolemy explained the phenomena of the heavens, and the independent creations to which Linnæus ascribed the origin of different species of plants. The Homer of the ancients is as mythical as the heroes of his songs. In the advance of knowledge the glory of great names fades; the productive energies of humanity come into prominence; "the individual withers, and the world is more and more." Moses, Confucius, Lycurgus, Romulus, and Homer are the names to which ignorance and superstition ascribe the productions of nations and the growth of ages.

In the Iliad, then, we are in contact with the early Greek intellect, with the fresh poetical energies of the most imaginative race the world has ever seen. Tales of still earlier days of heroism fashioned themselves into glorious forms, in the mist of tradition. The mythology which grew gradually out

of the worship of the great forces of nature, and expressed all the religious feelings of the Greeks, became associated with these heroic tales. The loftiest minds, taking inspiration from their observations of nature, their exalted reverence for ancestry and heroism, and their fierce warlike passions, clothed the legends with song. Their songs were handed down from age to age, growing in definiteness of form and often in splendor, and constantly modified, under the influence of singers and hearers, to fit better and better together. A great bard was bound by the received traditions as closely as Stephen in his preaching by the traditions of the Jews, and could only work upon the accepted version of events, adorning and amplifying it by his genius. That the best of such songs should gradually be shaped into cycles of song, and that, when the art of writing became adequate to preserve them, they should be still further filed and joined into something like unity, was natural and inevitable. That they should then form two and only two "poems," and should all be ascribed to one great name, will not surprise him who compares the history of other poetry and of other institutions in ages which keep no exact records. Whether or not the collection of the poems from the lips of the bards, and the co-ordination of them in the two cycles of epic poetry that have reached us, were the work of one man or city or age,* and how much change was made in them when they were first reduced to writing, or afterwards, are questions which cannot now, if ever, be definitely answered. But a true appreciation of the Iliad begins with the fact, the centre of the interest enlightened men must always feel in it, that it is, in substance, a series of the songs of popular minstrels, from the days when their songs were the whole of literature, and is by far the noblest collection of such poetry in existence.

Since the Homeric poems form a class so different from all others, it seems that the work of translating them must differ

* The "tradition" which ascribed the collection of the poems to Peisistratus, "qui primus Homeri libros, confusos antea, sic disposuisse dicitur, ut nunc habemus" (Cicero, de Oratore, III. 34), is likely to have been somebody's guess, made five hundred years after his death. Yet it has been exaggerated into "the testimony of all antiquity" that Peisistratus was the architect who built the Iliad and the Odyssey, as two great temples, out of heaps of stones.

widely, in some respects, from other translations. The writer who turns Don Carlos or even the Inferno into English verse has before him a book written for readers, in measures which he can fully appreciate and partly imitate, and written in a language strongly analogous to his own. He may reasonably aspire and strive to reproduce the poem in its metrical form as well as in its precise meaning, and to affect readers much as the original affects them. But the Homeric poems are chants, addressed to the sense of melody, in a language as nearly as possible the reverse of ours in freedom and sonorous roundness. How is song to be turned into written words? rolling music into logical and inflected speech? Were there nothing in the subject and the spirit of the poems foreign to our minds, the difficulty in form would be insuperable. But Homer's songs were sung to throngs of armed men, to whom they were the simple truth of history and religion, the one means of literary recreation and culture. They expressed and appealed to whatever of faith, patriotism, pride of race and name, aspiration for glory, and sense of harmony these men had in them. The translator of Homer, who would make a rendering as adequate as a translator of Tasso or of Goethe may fairly aim at, must create all this simplicity and intensity of faith and fervor in himself, and then must create an audience like himself to hear him. The world of letters is a community of nations, with too much in common widely to misunderstand one another; but Homer is a being from another world, and his strange language is the least of the barriers which shut our minds from his. Even a fairly adequate rendering in English of what Homer is to the scholar is the despair of translation, and the scholar who reads him best is the first to confess that what Homer was to the early Greeks is a sealed book to him and to the world forever. This needs to be asserted strongly; for while the subject has been discussed of late by acute critics, by graceful writers, and by profound scholars, there is a strange unwillingness in them all to acknowledge, in its full extent, the inadequacy of the best translation possible. The whole Iliad has been turned into English verse about forty times; but no page of it has yet found a form in our language which three competent critics will agree to call adequate.

Yet it is the impossibility of a complete translation that makes the attempt at once so fascinating and so instructive. All complete art is impossible; but the longing for the unattainable is the inspiration of genius. If great difficulties are opportunities for great successes, the immeasurable obstacles to Homeric translations are but so many demands for every kind and degree of excellence in attempting it. Some of them cannot be overcome, but others may be, and the inquiry arises, which of them the translator is bound to attack, and to which of them he must submit as invincible. The answer depends in part upon his individual bent and powers; but in part also upon the general conditions of his task, imposing upon him limits and rules which he cannot transgress without failure; and without determining these rules, no standard can be erected by which to measure translations of Homer. The writers who have tried to determine them differ widely in the artistic form they select as the best for an English Iliad; and there are, in fact, among them, three well-marked schools of translation. The first and oldest school simply accepts the Iliad from the ancients as the masterpiece of poetry, with a place in literature like that occupied by the best desk-work of a modern scholarly artist; so that its English representative must also be a great poem, supporting the unity of conception by sustained dignity and a uniform tone. The verse and style must then be the best which can be found in English for a great epic or narrative poem. A second school correctly discerns in the Iliad an original series of popular ballads, joined together as an afterthought by others than the bard or bards who first sung them, and upon a plan which possesses but an apparent and superficial unity. These writers, therefore, insist that a work which makes the impression of a compact and uniform English poem gives a false report of the original; that a translator must rise and sink in style with his author, and that a ballad metre is the only one in which the colloquial freedom, the fearless directness, and the occasional sublime elevation of the original can be fairly represented, as well as the only one which can convey to the English ear the metrical effect of the Greek ballads upon the Greek ear. The third school is less influenced than the others by any definite view of the nature and origin of

the original poems, but requires of the translator that he shall employ all his resources to transfer them into English just as they are, in matter and in form; that he shall, for example, adopt the metre of the Iliad, and make an English hexameter like the Greek hexameter, photographing the ancient poem upon the modern mind. Each of these three schools of translation is largely represented in our literature: the first by most versions of the Iliad from Chapman to Bryant, including all that have been widely read, and by the whole tenor of English criticism until lately; the second by several recent translations, the works of eminent scholars, of whom Professor Newman of London, and Professor Blackie of Edinburgh, are the chief; and the third by a few complete translations, by Sir John Herschel, Mr. E. W. Simcox, and others, but more prominently by fragments of translation and by a large number of critical discussions, of which two well-known and brilliant essays by Professor Matthew Arnold of Oxford are much the most important.

Every one of these theories of translation is utterly unsatisfactory. Pope fused the Iliad, and poured it into a strange mould. His style is compact and brilliant, but in no sense Homeric. But the recent interpreters, who permit their truer views of the original work to blind them to the nature of their own language and to the demands of their readers, have made failures much more complete. The English ballad metres are to us expressions, not of the highest order of thought and feeling we know, not of the art which has created the glories of our literature, but rather of whatever is low, vulgar, and commonplace in the national mind. Our greatest poets cannot lift them to dignity long enough to make them the worthy form of so much as their noblest odes, and all the great lyrics of the language avoid them. They are felt to be the appropriate form for burlesque, for "John Gilpin" and the "Elegy on a Mad Dog," and are closely associated with this class of conceptions in the reading world. English hymnology has always had to bear the burden and the reproach of them, and therefore has a low place in our poetry. When Professor Newman demands a metre "fundamentally musical and popular," he seems to mean a "sing-song" metre, that will strike the uncultivated

ear, for he immediately reduces his principle to an absurdity by adding: "Only those metres which, by the very possession of these qualities, are liable to degenerate into doggerel, are suitable to reproduce the ancient epic." * But there is no doggerel in Homer; the ancient bards wore their inspiration as a garment of majesty; their form is majestic, even where their thought is low and mean. These ballad metres of ours turn majesty itself to littleness, and rolling speech, "becoming men that fought with gods," sinks under them to thin vulgarity. "The valor of Diomedes," or the answer of Achilles to Ulysses, in a rattling ballad metre, is a symphony of Beethoven on a hand-organ.

Nor has the English hexameter proved better in practice. Indeed, it is no more a hexameter, in the Greek sense, than scolding is song. It is peculiar among English metres, chiefly because it is so very like prose. It is less metrical than any established form of English verse. But the Homeric hexameter is more metrical, and less like prose, than any form of metre of which the English language is capable, not excepting the rhymed stanza of Spenser or the musical anapæsts of Byron. This contrast will be seen, even by readers who can but partly feel it, when they remember that every line of Homer, with not more than six exceptions in the Iliad, is so marked in its metrical character, that no half of it could be inserted in a page of Greek prose, however skilfully, without at once arresting the attention of the Greek reader as a poetical extract; while no English reader, meeting any entire line of Mr. Arnold's English hexameters, in a common sentence of English prose, would suspect it to be verse. The fault is not Mr. Arnold's, it is the fault of our language, or rather of modern speech; for while English is the extreme, among languages, in its logical and accentual character, yet the hexameter is impossible in the more musical and less accented Romance languages, as well as in English. Even in German, although this measure has an important place in literature, it in no metrical respect represents the measure of the ancient bards. The desire to enlarge the resources of our tongue for poetical expression is natural, and it has led to a persistent

* Preface to the Iliad, p. v.

effort to establish the English hexameter in Homeric translation; but the failure is complete, and the impossibility of representing the epic metrical form in our versions must needs be accepted as one of the essential limitations of the translator's work. The question how far our so-called hexameter may be useful in semi-metrical narrative, is not in place here; but the utter want of even accentual spondees, and the iambic movement of English, make it improbable that it can ever be either a favorite with the popular ear, or the spontaneous form of expression in a great poet's mind.

These considerations illustrate the obstacles which the very growth of knowledge may put in the way of artistic achievement. The men who know Homer best have not been the best interpreters of him to the common mind; just as a sceptical inquiry into the origin of a song would have been no preparation for the minstrel who was to sing it at the Olympian games. He who attempts to tell in art all that he knows, may easily know, if not too much, too many things. The influence of the criticism which has made such instructive discoveries in the Greek epic has yet contributed nothing to the work of transferring it to our own literature. It has inspired no readable translation of the Iliad; while, of the poets who have busied themselves with no such inquiries, but have accepted the great story as a work worthy of their best powers, and have striven to rewrite it worthily, more than one has reached the people, and taught them to love much, and to understand something, of the heroic age and poetry. It is among these poets that we must look for the translator who has best done this, and it is on artistic principles that their work must be judged. The modern schools ask, with Dr. Newman, for "a translation executed on the principles rather of a daguerreotypist than of a fashionable portrait-painter"; * or with Mr. Simcox, "endeavor to place before the English reader a close and, as it were, a photographic view of the poem"; † but the poet who can command the ear of the world has an instinct which saves him from such errors. He feels the limitations which his language and his audience impose on him, and will not defy them; and he also feels that no Homeric impression

* Preface to the Iliad, p. xix.

† Ibid., p. vii.

can be produced, except by poetry as noble to us as Homer's to the Greeks. He must needs give to his work, in some respects, a high degree of excellence, of a kind not found in the original, to take the place of the excellence of another kind, which cannot be reproduced at all. This law applies, in a measure, to all poetical translation, and has been observed by every great poet who has undertaken it; but it applies more largely to Homer than to any other book.

The reasonable demand upon the translator is that he shall give, in the worthiest metrical form he can command, a faithful expression of Homer's thoughts, telling the story he tells, and setting before us the characters he describes in every situation in which he placed them. He must give us, in noble English poetry, such a picture of the manners, culture, morals, and belief of the heroic age as Homer gives. The tendency of recent criticism has been to magnify the grammatical knowledge of Greek required for this work, and to put out of sight, in comparison, the artistic power over English, which is of incomparably higher importance. An understanding of the Greek text is, of course, one of the conditions of success; but critical Greek scholarship is not. It has sometimes been said sneeringly that a translator of Homer has a great deal of help; and it is true that he has the meaning of every line determined for him by scholars. But no eminent philologist has ever written a noble English poem, and it is not likely that any will. The poet who can sing the old epics again for us must take critics as his guides in details of the meaning, and follow them contentedly. Their labors are to him what science is in other departments of art, geometrical perspective to the painter, anatomy to the sculptor, engineering to the architect; their elements are conditions of his work, but they are not his art; and it is his art, not the science that underlies it, which concerns the world. His rarer gift will lose no laurels, though he be no authority in the doubtful questions in which scholars are disputing over his author. Homer's words are too well understood for intelligent students of his meaning to go far astray, and nice points of philology have nothing to do with the estimate to be formed of a poetical translation. Certainly the merit of the translations already made bears

no proportion whatever to the grammatical learning of the authors; and one of the ripest Greek scholars among modern translators of the Iliad has published, if not the worst of possible versions, at least the worst, upon the whole, which can be easily found. The question of merit in a translation is rather: Has the author worthily clothed in English the same worthy conception of the heroic age he finds in Homer? and has he succeeded in freeing his own language from the complications and perversions of modern thought, so as to make it a fit medium for the simplicity and directness of the epic mind? The loss of the Homeric tone, of the wonderful sincerity and picturesqueness of speech, cannot be paid for by critical fidelity to the precise force of particles and tenses.

A successful translation may indeed teach much that its author has not distinctly apprehended. The Diomede of the Fifth Iliad is as different from the Diomede of some other songs as Achilles is from Hector; the Hector of some passages is a vain braggart, of others a modest and dignified hero; and the tone of the story and of the speeches varies accordingly. The translator, whose poetical faculty is in harmony with his author's, will catch and convey these differences, even if his theory of Homer does not recognize them; while many an incompetent translator unconsciously modifies them, and if his characters are not all wooden, he at least represents each of them as a set of fixed ideas, and in a uniform style. But the power of entering into the mind of the text, and taking from it all its shades of feeling and thought, is the poet's gift, not the critic's, and is as rare as any but the highest creative genius.

The selection of the metrical form for translating Homer, although it has been the subject of so much controversy, becomes a simple task when these principles are remembered. The translator cannot sing; he can only write. He cannot adopt a singing metre, nor make his poem, like the Iliad, a musical work. But he is dealing with a form of poetry that is always stately, majestic, and calm in its self-possession, though capable of endless variety; that can rise to any height, burn with all fury, storm with all rage, and can stoop to the simplest speech without approaching prose. The English language has no metre like this; but it has one, and only one, which can in

some fair degree represent it, the heroic blank verse of Milton. This verse is already imperishably associated with the highest imaginative products of our literature. It is everywhere recognized as fit in itself to express the noblest sentiments. It is capable of vast variety in flow and fall, its lines run freely together in continuous narrative, setting no limits upon the sense, yet it is governed by strict metrical rules. It is only at its best that it is as metrical in its effect as good rhyming verse, but rhymed translation of an unrhymed original can be but a paraphrase, and rhymes break up the verse, so that the continuous flow of the original, its leading characteristic, is entirely lost. Taking all these particulars together, the English blank verse represents the heroic hexameter as no other English verse can represent it. That it is a difficult measure is not an objection to it, in a work in which other measures are impossible.

By selecting this metre, the translator is compelled to abandon the thought of producing the musical effect of the Greek epic, or of making, as Homer made, popular ballads. Nor can he translate line for line, where the thirteen or seventeen syllables of the Greek would be condensed into ten. But he must give up still more; he cannot attempt to render in full all the epithets and phrases of the original. Homer is full of sounding adjectives and descriptive clauses, metrically fitted to the names of his heroes, and that so skilfully that they enable him to use names, otherwise inharmonious, with great musical effect. Thus each of the names Agamemnon, Achilles, Hector, and Zeus has its own metrical value; and each of them, as it constantly recurs, would require, if it stood alone, to be separately fitted each time into the even flow of the verse. Accordingly, the bards devised metrical formulæ containing these names, and repeated them wherever the names were used. In the epic verse the sound was master of the sense or equal lord with it; and, to the Greek ear, the singer's rounded line was a full compensation for the frequent repetition of familiar epithets. Thus, divine Achilles or the swift-of-foot Achilles, Atrides Agamemnon, or the lord of men Agamemnon, the cloud-gatherer Zeus, the beaming-helmed Hector, occur constantly, without any regard whatever to the appropriateness of the epithet in

the context. These phrases are varied with exclusive reference to the metre, not to the sense. Hector, when spoken of in the nominative case, is illustrious or beaming-helmed, according to the number of syllables wanted; but in the dative case he becomes Hector with the bronze armor, and in the accusative fills out many verses as Hector the divine.* Unfortunately for him, none of these forms can be made into a vocative case in hexameter verse; and, therefore, when Hector is addressed, his name, and nothing more, commonly begins the verse and the speech, without one of the honorable titles of which the forms of their names compelled the bard to be so lavish to other heroes. In all these cases the entire phrases are but names; they had become the common stock of the epic bards; were used by them as proper names without regard to the context; and enabled them, by the rich variety of forms they gave to the designations of the leading characters, to select in each case that which they could then most conveniently or effectively fit into the verse. But neither the literal versions of these epithets, nor any paraphrase of them, can be made to serve the same purpose in English verse. Instead of filling out its music, they destroy it; while the tedious repetition of them, in the extent to which the Greek bards carried it, is intolerable. To retain them wherever they are found is to enter the poetical lists hopelessly weighted. The translator must claim the same liberty his author had, to make the epithets contribute to the music of his verse. To follow the original in its repetitions is to abandon it in its more important qualities of freedom and melody. He must be far more sparing of them than the Greek; yet may properly retain enough of them to suggest the effect of lavish fulness and large simplicity which they there help to give. The same remarks apply, in the main, to the constantly recurring lines which are the standard epic formulæ for introducing or ending speeches, for beginning the story of a new day, for describing the arming of a warrior, or how he strikes a foe, and many more; most of which are common to the Iliad and the Odyssey, and are evidently the traditional phrases in which things which had to be told often, and had

* Φαίδιμος Ἕκτωρ: κορυθαίολος Ἕκτωρ: Ἕκτορι χαλκοκορυστῇ: Ἕκτορα δῖον.

once been told well, came to be told habitually. Something would be gained, but much more lost, by always expressing the same Greek formula by the same English words; and, indeed, it can scarcely be done, except in the English hexameter, the selection of which is the abandonment of far higher ends of translation. The translator may properly treat the quotation-marks of his author, for such most of the recurring formulæ strictly are, with greater freedom than the substance of the text.

It remains to examine Mr. Bryant's translation of the Iliad by the principles here pointed out, and to compare it with its predecessors. The task is the easier, because, if these standards of judgment are correct, the competitors for the foremost place among such translations are few. Besides the poets who have written English Iliads before Mr. Bryant, — Chapman, Pope, and Cowper, — but one scholar, not a poet, has made a translation which has been accepted as a poem by the public, — the late Earl of Derby. It is now generally admitted that Coleridge accurately characterized the first three of them, in a classical passage of his literary Remains, written to Wordsworth in praise of Chapman's Homer: "It is as truly an original poem as the Faery Queen; it will give you small idea of Homer, though a far truer one than Pope's epigrams or Cowper's cumbersome most anti-Homeric-Miltonism."* But these works cannot be dismissed in a sentence. They are all valuable, the first two fill important places in English literary history. The author of each of them enjoyed and understood Homer with a poet's mind, and could not fail to communicate something of him to others. Chapman has much of Homer's battle-fire, of his open-air freshness and bold freedom, of his passion and variety. But a lively fancy crowds his page with loose metaphor, out of keeping with the epic tone; the rhymed fourteen-syllable verse of his "Iliads," the "common metre" of hymn-writers, lacks the continuous flow and sustained majesty of sound natural to the Greek verse, and is often strangely rough and unmusical, while his quaint language and frequent low conceits distract the attention from what is good and Homeric. The general reader has given up his work as

* Coleridge's Works, American ed., Vol. IV. p. 173.

obsolete. Pope was the first poet of his day, and one of the great masters of English verse. His translation, in rhyming couplets, has held its place in our classical literature for five generations, giving pleasure to unnumbered readers. There are still men of culture who agree with Sir John Herschel's eulogy of it: "Whatever may be said against it, and with all its faults, which are not a few, I, for one, regard Pope's Iliad, taken *per se*, as one of the most magnificent, if not *the* most magnificent poem extant." * But it has the unpardonable fault of all the fine writing of Pope's school. The logical element crowds out the intuitive and poetical; the form does not grow out of the substance as its natural and necessary expression, but is put on it as ornament. It is Homer painted, glazed, and framed; Homer in epigrams; an English poem, whose style and metre exaggerate every feature in which the English language is inadequate to reproduce the heroic poetry. It is a copy of the grand old ruins of the Parthenon, done small, in burnished brass, to adorn a richly furnished drawing-room. Cowper has left a translation far more accurate in its reproduction of the exact sense, line by line, than either of the former. But it is a slow and heavy poem, rounded and periodic in the structure of its sentences, with the movement of the verse retarded by constant inversions in the order of words, and by an arrangement of the metrical pauses which suggests the deliberation of moral reflection, rather than the rapidity of warlike story. Cowper's muse was the muse of Christian faith and morals. He was further than Pope himself from finding inspiration in the impersonal picturesqueness of the old bards, or the self-asserting vigor of their heroes. In spite of its faithfulness and dignity, his Homer has utterly failed to make its way to the popular mind.

The Earl of Derby selected the proper metre for Homeric translation, and managed it with a skill surprising in one who, though well known as a statesman and a scholar, was not known as a poet. His knowledge of the Greek language seems to have been fuller and more critical than that possessed by any of the poets named above, so that his Iliad is more accurate in details than Cowper's. It is also readable, and will be found,

* Preface to The Iliad of Homer, p. x.

on trial, more entertaining to a mixed company of English people, in our day, than Pope's. Many passages in it delight the scholar by their faithfulness, and all readers by their grace and dignity. No critic, who is not biassed by some of the theories of translation referred to above, will hastily dissent from the general verdict of the literary world, that Lord Derby's translation, as a whole, represents Homer in English better than any of its predecessors. Mr. Bryant's work, therefore, naturally challenges comparison with this, the best English Iliad in existence before it appeared.

In the accuracy with which the sense of the Greek is expressed there is little to choose between them upon scholarly grounds. An idle student, seeking aid in construing the original, would find more of it in the Earl of Derby's translation than in Mr. Bryant's. It is more literal, preserving more closely the construction and order of the text. There are also many passages in which it shows a nicer appreciation of the shades of meaning in the Greek words and phrases. But it contains a large number of errors from which Mr. Bryant's care has saved him, and cannot be said as a whole to be more faithful to the sense of the old bards than his. When the translations are compared, however, in respect of their artistic accuracy, of the imaginative sympathy with which the thought of the bard has been appreciated and appropriated, the superiority of the American poet over the British statesman is immeasurable. It will be felt by every reader, and felt most strongly in those characteristics of lofty verse which cannot be clearly described in general words, without illustration by passages far too long to be cited here. But there are two important particulars in which brief references can make plain the nature and extent of this superiority, the selection of words and the versification. The loving reader of Homer knows well how much of his charm lies in the absolute directness and singleness of view shown in the use of the simplest words, and the avoidance of those which could in any way suggest a thought aside from his immediate purpose. The translator who is not a poet is inevitably betrayed by the character of our language into expressions which complicate and therefore weaken the thought, by suggesting associated thoughts not to

be found in the original. The Earl of Derby offends so constantly in this way that he has given his pages a thoroughly modern tone, in spite of his occasional efforts to put upon them an air of antiquity by the use of old or uncommon words and constructions. Homer speaks of goddesses, "who lord it through the war of men"; Lord Derby makes them "range exulting through the blood-stained fields of war"; Æneas is rapt from the contest by Aphrodite and Apollo, "lest some Greek take his life away," but Lord Derby has it, "*rob* him of his life"; Homer says that Pæeon "was not made mortal," but Lord Derby introduces an unepic personification, and tells us that "death on him was powerless." * Words which in Homer "stirred the heart" of Menelaus, in Lord Derby "to pity nerved the victor's breast"; when Homer sees "a sacred darkness come over," Lord Derby makes "darkness shroud the earth"; Homer's Achilles is "of so proud a spirit that he will not stay in the plain," but Lord Derby says that "his proud, impetuous spirit will spurn the plain"; Hector says to Polydamas, "you are saying now what I do not like," but in Lord Derby's verse it is, "thy words are such as grate unkindly in mine ear." † In short, the parliamentary orator was deficient in the poetical imagination, which can assume the feeling appropriate to the design; and he therefore fails to catch the tone of his author, and freely uses words with a conventional transfer of meaning that is confusing and ruinous to the epic simplicity.

On the other hand, Mr. Bryant has long been known, by his original poems, as resembling the old epic poets, in his language, more than any other living writer of English. It may be said that contemporary poets have excelled his verse, one in splendor, another in suggestiveness, another in fulness of knowledge and in reach of thought, and more than one in nearness to the great mental conflicts of the age; but he has certainly not been surpassed, perhaps not approached by any writer since Wordsworth, in that majestic repose and that self-reliant simplicity which characterized the morning stars of song. He has adhered to the permanent element in our language; and

* Book V. 332; 317 and 346, 402.

† Book VI. 51; XVII. 455; XVIII. 263, 285.

the common perversions in the meaning of good old words, which make it so nearly impossible even for most men of culture to write a sentence that Chaucer could have understood, seem to be unknown to him. No qualification for a translator of Homer could be more essential than this; and the reader who has duly considered its importance will find that it has given Mr. Bryant's translation a vast superiority over all others. The simplicity of Professor Newman's ballad verse is gained only by the sacrifice of dignity; that of the writers of English hexameters is mere baldness; even that of Lord Derby is habitually weak, forced, and halting; but that of Mr. Bryant is at once majestic and direct, at once noble, rapid, and vigorous; it is, in a large degree, the simplicity of Homer. So great is the contrast in tone between the best two translations, that when, in the chariot race,* the words the horses "flew dusting over the plain," are rendered by Lord Derby, "scoured the dusty plain," the reader is not a whit surprised by the commonplace and superfluous metaphor; but when Mr. Bryant says that the steeds "flew beneath the shroud of dust," we are shocked, with a sense that the simple heroic style has been rudely interrupted.† The entire loss of effect by one false word is well seen in Lord Derby's translation of a fine line in the Doloneia, or story of the spy-service of Ulysses and Diomede in the Trojan camp. The Greeks are waiting anxiously for these chieftains to return, and Nestor suddenly tells them that he hears horses' feet; or, literally, "a sound of swift-footed horses strikes my ears." ‡ Lord Derby destroys the directness of the assertion entirely by prefixing to it a needless word of doubt: —

"Methinks
The sound of horses, hurrying, strikes mine ear."

Nestor did not stop to think at all, and it was not the heroic style to put expletives of modesty into the speeches of kings. Mr. Bryant, as usual, is epic in directness and simplicity: —

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* Book XXIII. 372 (translation, 476).

† This unhomeric dragging in of modern metaphor, or modern refinement of thought, so characteristic of nearly all translations, scarcely occurs elsewhere in Mr. Bryant's, except in the words "divorced," Book XXII. 363 (451); and "corse," XXIV. 72 (96).

‡ Book X. 535: —

"Ιππων μ' ὠκυπόδων ἀμφὶ κτύπος οὔατα βάλλει.

"The trampling of swift steeds is in my ears."

The two translations of this line well illustrate, also, the superiority of Mr. Bryant's translation as a metrical composition. He is a master of our heroic blank verse, as even the earliest of his poems proved; not indeed of those lofty and intricate harmonies, of which Milton alone has proved it capable; not of those ethereal, lingering melodies, which died with Shelley; not of the verse of Tennyson, which more than half hides a fascinating depth under a brilliant superficial polish; but the verse of Bryant has also its own characteristic music and beauties. It is varied, easy, and pleasing, and is not excelled by any other in its power of rising to an exalted solemnity, and of sinking to a natural familiarity; of sympathizing in its movement with all forms of passion, and of reflecting, without abruptness, all changes of tone. On the other hand, Lord Derby was not a poet, and the most serious fault which the general reader finds in him is his want of mastery over this difficult form of composition. His lines can be "scanned," but they are very rarely melodious. They satisfy the mind with their sense, but not the ear with their music. In Homer the sound is the first source of power. Mr. Bryant has succeeded in giving to his verse something of the charm which the scholar finds in the grand roll of the inimitable Greek hexameter; but in Lord Derby's pages the sound is no source of power, and has no charm whatever. It would be ungracious to single out passages in which the want of melody is conspicuous, since no ear that is attuned to our noblest metre, as Shakespeare, Milton, Shelley, Wordsworth, and Tennyson have written it, can find enjoyment in any page of Lord Derby's verse.

In order to bring this discussion within fair limits, it has been necessary to avoid citations. But to illustrate all that has been said of the merits and faults of the translators, it is desirable to set before the reader at least one passage, in the various forms which the best of them have given to it. For this purpose we may appropriately select a few lines, which are characteristic in themselves of the Homeric fire and magnificence, and have been imitated in the most splendid battle-scene in contemporary poetry, that of Lyonnesse, described by Mr. Tennyson in "The Passing of Arthur": —

"In the mist
Was many a noble deed, many a base,
And chance and craft and strength in single fights.
And ever and anon with host to host
Shocks, and the splintering spear, the hard mail hewn,
Shield-breakings, and the clash of brands, the crash
Of battle-axes on shattered helms, and shrieks
After the Christ, of those who falling down
Looked up for heaven, and only saw the mist;
And shouts of heathen and the traitor knights,
Oaths, insults, filth, and monstrous blasphemies,
Sweat, writhings, anguish, laboring of the lungs
In that close mist, and cryings for the light,
Moans of the dying, and voices of the dead."

The literal meaning of Homer's words may be given thus, in bald prose: —

"And they (the armies) when now meeting they reached one place, struck together oxhides (shields), and together spears and mights (strong frames) of warriors in bronze breastplates; but shields with bosses were dashed on one another, and a great din arose. And there at once was wailing and exultation of warriors, slaying and slain, and the earth ran with blood." *

Chapman's unequal version fails here, and is not worth quoting. Pope's is thoroughly characteristic, both of his defects and of his merits: —

"Now shield with shield, with helmet helmet closed,
To armor armor, lance to lance opposed.
Host against host with shadowy squadrons drew,
The sounding darts in iron tempests flew,
Victors and vanquished join promiscuous cries,
And shrilling shouts and dying groans arise;
With streaming blood the slippery fields are dyed,
And slaughtered heroes swell the dreadful tide."

Homer's first line is entirely changed in meaning, and loses all its simplicity, by the transposition made for the sake of

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* οἱ δ' ὅτε δή ῥ' ἐς χῶρον ἔνα ξυνιόντες ἵκοντο,
σύν ῥ' ἔβαλον ῥινούς, σὺν δ' ἔγχεα καὶ μένε' ἀνδρῶν
χαλκεοθωρήκων· ἀτὰρ ἀσπίδες ὀμφαλόεσσαι
ἔπληντ' ἀλλήλῃσι, πολὺς δ' ὀρυμαγδὸς ὀρώρει.
ἔνθα δ' ἅμ' οἰμωγή τε καὶ εὐχωλὴ πέλεν ἀνδρῶν
ὀλλύντων τε καὶ ὀλλυμένων· ῥέε δ' αἵματι γαῖα.
Iliad, IV. 446–451.

rhyme; and the fourth and eighth lines of Pope are made for the rhyme only, having not a word in Homer to justify them. The simple, but impressive antithesis of the original, "wailing and exultation of slaying and slain," is multiplied into a long series of verbal contrasts, adding enormously to that artificial character which is always, at best, displayed to some extent by rhyming couplets. It is almost unnecessary to point out the inconsistency of such phrases as "shadowy squadrons," "iron tempests," "slippery fields" which are "dyed," and a "tide" that is "swelled" by "slaughtered heroes," with the Homeric tone.

Cowper did his best on this passage, with the following result: —

> "And now the battle joined. Shield clashed with shield
> And spear with spear, conflicting corselets rang,
> Bossed bucklers met, and tumult wild arose.
> Then, many a yell was heard, and many a shout
> Loud intermixed, the slayer o'er the maimed
> Exulting, and the field was drenched with blood."

Cowper's boast, while censuring Pope for adding so much of his own to Homer, was "I have omitted nothing, I have invented nothing." But he certainly, without knowing it, invented the slowest, heaviest blank verse ever written by a man of genius, and fettered Homer with it. His "conflicting corselets," "shout loud intermixed," and "field drenched," not only suggest thoughts quite foreign to the original and out of harmony with the epic style, but they load his lines with a weight under which they cannot move. Instead of Homer's unconscious and lavish fulness, he gives us condensation; instead of Homer's straightforwardness, forced and halting inversions of the natural order.

Professor Newman saw clearly that the Homeric poems were the Greek ballads, and that rhyme was impossible in a translation of them; but he strangely inferred that an English ballad metre without rhyme would best represent the metrical form of the Iliad. His version of this passage is: —

> "When to encounter hasting, they were on one spot assembled,
> Hides clashed on hides, and spear on spear, and might with might of heroes
> In brazen armor corsleted; the shields with sturdy bosses
> Each upon each leant hard, and raised tumultuous disorder.

Then rose there, all around, of men a groaning and a boasting,
From victors or from vanquished; and reeked the earth with carnage."

On the other hand, Professor Blackie felt that the abandonment of rhyme only uncloaks the ragged poverty of our ballad metres, yet believed that no other metre is appropriate to Homer. He gives us these lines: —

"But now the hosts together rushed, and each did each assail,
And buckler upon buckler rang, and hurtled mail on mail;
And might of man did might oppose, flashed spear to spear, and rang
The war-cry loud and shrill, and shield met shield with brassy clang;
And many a shout and many a yell to heaven commingled goeth,
From men who struck and men who fell; the field with crimson floweth."

In all these attempts there is very little of the Homeric style or effect, and it seems strange that either the ear or the mind of a translator could be satisfied with any of them. It seems quite as strange that every one of them should have followed Chapman and Pope in the artificial and unepic repetitions of the nouns "shield," "spear," and "might," or their substitutes, of which Homer, of course, has nothing.

Turning to the writers of English hexameters, we find the following report of the passage by Mr. Simcox: —

"But when the hosts advancing met in the midst of the champaign,
Then together were dashed shields, spears, and the strength of the heroes
Armed in brazen mail, while ever each boss-bearing buckler
One 'gainst the other clashed, and loud was the roar of the tumult.
Then together arose the wail and the boast of the heroes
Slaying and being slain, while the ground with the red blood was flowing."

Sir John Herschel has also made what are called hexameters of the same lines, thus: —

"Now when at length the hosts were met and were hurled on each other,
Clashed together their spears and the tough bull-hides of their bucklers,
Breast against breast, and might against might, they drove, and the bosses
Round, of their shields, met rude, and dire was the crash of their meeting.
Then to the sky broke forth loud shouts and groans of the heroes
Slaying and slain. Then streamed with blood the ground that they trampled."

If this is verse, lovers of English poetry will ask, what is prose? The six hexameters here include seventy-six words, each with its own distinct word accent, where the Greek has but forty-seven. While there are in each line of the Greek,

upon the average, three metrical pauses or cæsuras, that is to say, places in which the flow of the metre is more or less interrupted, by the end of one word and the beginning of another, there are ten in each English line. In reading Homer, the voice has to utter, in the six lines, one hundred and five distinct consonant sounds; but in reading Sir John Herschel's translation, one hundred and eighty-five must be pronounced in the corresponding passage. Thus in English hexameters not only is quantity, the essential principle of the hexameter, wholly unknown, but the multiplicity of little words destroys the metrical value of the pauses, on the proper adjustment of which the harmony of the heroic Greek verse depends, and delays and breaks up the movement; while, finally, the accumulation of rough consonant sounds in our words adds vastly to these defects. Measured by the ear, there is not in the Iliad a line either so harsh in sound or exacting so much time for its utterance as the most rapid and musical hexameter in either of the translations quoted above.

Lord Derby's rendering of the same passage preserves more closely the sense of the Greek than any of the preceding: —

> "When to the midst they came, together rushed
> Bucklers and lances, and the furious might
> Of mail-clad warriors; bossy shield on shield
> Clattered in conflict; loud the clamor rose.
> Then rose too mingled shouts and groans of men
> Slaying and slain; the earth ran red with blood."

Here are positive faults enough; the word "rushed" suggests a personification of the weapons wholly foreign to the spirit of the original; "the midst" is weak; "furious" is a superfluous addition; "clattered" is undignified and inaccurate; "too" is ambiguous to the ear, and makes the verse halt as well as the sense; and "in conflict," "mingled," and "red" are the translator's tameness, for which Homer is not responsible. The lines are a fair specimen of the dead level of Lord Derby's verse. If the Iliad were known to the world only in his version, it would be read with interest as a picture of the heroic age, but Homer would never find a place among the great names in literature.

Mr. Bryant's translation of this passage is even more literal than Lord Derby's: —

> "And now, when met the armies in the field,
> The ox-hide shields encountered, and the spears,
> And might of warriors mailed in brass; then clashed
> The bossy bucklers, and the battle din
> Was loud; then rose the mingled shouts and groans
> Of those who slew and those who fell; the earth
> Ran with their blood."

This is not faultless; the inversion in the first line, the added word "their" in the last, and still more the rather inelegant use of "those," and the rhyme it makes with "rose" in the previous line, are obvious, though slight, imperfections, and bring this passage below the average of Mr. Bryant's best work. But it is far superior to every other translation of these six lines into English which we can find, in its faithfulness to the sense and spirit of Homer, in the vigor and directness of its language, and in the beauty of its versification.

Mr. Bryant's excellence, in all these respects, is not uniform. Passages may be found in which he has misunderstood the meaning of the Greek; but they are very few,* and at

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* This remark applies to the second volume, and to the first volume as now published, many errors having been corrected in the earlier books since the first issue. The critical reader will still wish for corrections in the following places: Book I. 66, *ἀρνῶν*, "bulls"; 296, "nor think I shall," for "I do not mean to"; 501, "lifted up his right," for "took him by the chin"; II. 143, "who heard him not," for "who had not heard the council"; 598, "nine" muses, the Iliad knows no such number; it appears first in latest part of the Odyssey (see Od. XXIV. 60); IV. 380, "we," for "they"; V. 227, "descend to fight on foot," for "mount the car to fight"; IX. 122, *δέκα*, "six," also 264, 536; "alone" omitted, a misprint; X. 306, "swifter than," for "the best at"; 513, "steed," for "car," no warrior mounts a horse in Homer; XI. 97, "stained the brain with blood," for "the brains were spattered"; 162, the intense bitterness quite missed; 242, Iphidamas is made a "Trojan," "fighting for his country": neither is true, nor in Homer; 559, "shaft," for "stick"; XIII. 761, *ἀνολέθρους*, "o'ercome"; XV. 714, "slain" and "lopped arms" are wrong; XVI. 63, "my ships," emphatically; not "the fleet" at large; 195, "Pelides" should be "the companion of Pelides," i. e. Patroclus. Achilles was not a Myrmidon; 394, Mr. Bryant mistakes the Trojans, cut off by Patroclus, for his own men; 458, "he" misprint for "she"; 858, "dying," for "dead"; XX. 289, "to save his threatened life" is wrong; XXIII. 465, "either," "or," misapprehension of *ἠὲ*, etc.; 497, "for well ye know," for "then shall ye know"; 832, 833, "if," "many," for "although," "five"; XXIV. 574, "he," for "they."

To these may be added the occasional neglect of the classical quantity or division of syllables in proper names: thus, Book II. 133 (of the translation), A-tre-us; 647, Calliārus; 658, Chalcŏdon; 886, Olĭzon; 1057, Cicŏnes; V. 83, Threno for Theāno;

least twice as many errors of this class are chargeable to every one of his predecessors, except Professor Newman, and perhaps Professor Blackie, whose translations are distinguished for accurate scholarship, but are not readable.* Passages may be found in which he has lost much by a somewhat loose paraphrase, when a translation in his best style is to be desired.† A few lines may be detected by a nice ear, which interrupt the nearly unbroken flow and melody of his verse. But if the imperfections be not merely counted, but weighed, they will be found inconsiderable in comparison with those of any other English version. They may be remedied upon revision, without affecting the general tone and style; and were they all corrected, so that no positive error or marked defect could be found, few readers would notice any change. There is no other English Iliad which could be made by corrections to represent Homer, on the whole, as well as Mr. Bryant's represents him now; and until that distant day, when a poet no less eminent than he shall, with fuller knowledge, and before a world of richer intel-

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VIII. 148, Eniōpeus; XII. 26, Granĭcus; XIV. 603, Iliōneus; XV. 693, Perkŏte; XVII. 370, "Phocians" for "Phocaeans"; XXI. 233, Aeācus; XXIII. 170, 173, Sperchĭus (ēi).

In the first edition of Books I. – XIII. there were some omissions, two of them at II. 464, V. 663, of five lines each, but none which left a sensible gap in the meaning. Most of these have since been supplied. There are still clauses of more or less importance wanting in Book I. 496; II. 118, 240; XII. 143, 407; XIV. 6 (Abii); XV. 308; XVII. 639; XXI. 366. Entire lines are missing, II. 102; VI. 317; IX. 311; XV. 563; XVI 557; and in one place four lines, IX. 458 - 461.

* It is curious to observe that some errors run through all the translations, whether in prose or verse. For instance, we cannot find one which gives the true force of the closing sneer of Achilles, in his threat to Agamemnon (I. 171): —

οὐδέ σ' ὀΐω
ἐνθάδ' ἄτιμος ἐὼν, ἄφενος καὶ πλοῦτον ἀφύξειν,

"and I do not mean, staying here in dishonor, to gather plenty and riches *for thee.*" Beyond doubt σ' is σοι (as μ' for μοι, VI. 165); both verbs have the same subject, and the warrior's own purpose is what he declares. The translators make it a prediction; and, following them all, from Chapman to Voss and Lord Derby, even Mr. Bryant writes: —

"But here, where I am held
In little honor, thou wilt fail, I think,
To gather, in large measure, spoil and wealth."

So in Book XXIV. 506, Priam did not kiss Achilles's hand, as all the translators, except Professor Newman, suppose, but as a suppliant stretched out to him his own hand. (Schol. ὀρέγεσθαι ἀντὶ τοῦ ἐκτείνειν.)

† For example, Book III. 180; XV. 31 – 33; XVII. 508; and a few more.

ligence, be content to give his maturest years of labor to the singing of these old songs again, Mr. Bryant's translation will assuredly be recognized wherever our mother tongue is read as its best echo of the old Greek epic. So far, at last, have genius and scholarship together brought us on the way George Chapman marked out for himself nearly three hundred years ago: —

> "Then let lie
> Your lutes and viols, and more loftily
> Make the heroics of your Homer sung,
> To drums and trumpets set his angel's tongue,
> And with the princely sport of hawks you use,
> Behold the kingly flight of his high muse."

The future of this noble work cannot yet be predicted in detail; but it will surely do more than many volumes of scientific inquiry to spread among English readers, for generations to come, the knowledge and love of the early heroic poetry, and will lead innumerable minds to the useful and fascinating study of man in conditions of life far different from ours, and especially of the dawn of civilization.

Nor is it only in the information he gives that Homer, singing afresh in English, has a lesson for these days. The mysticism of contemporary poetry, and its increasing disposition to abandon the common ground of humanity, and to address an exclusive circle of peculiar culture, are becoming intolerable. Swinburne, Rossetti, and many kindred poets, are reaping in its ripeness the pernicious harvest Tennyson sowed in his youth; and are offering shadows for pictures, hints for facts, dreams for reflections. Homer is, as Mr. Bryant represents him, intolerant of all this, and floods the mind with manly vigor from the high places of clear, serene perception and thought. They who write for a class write its dialect, sometimes its jargon; but he speaks the homely speech of all men. They obtain delicacy and tenderness by wrapping a mental haze around thoughts which bear close study as the beauty of a violet or of an eye bears dissection; but he seeks no effects which a firm touch and a bold outline cannot reach, and is therefore the poet of the world. The condition of such work is a lofty earnestness, born of other motives than personal impulses and the ambition of the moment; a directness which sees noth-

ing but its theme, an unreserved surrender of the singer to his song. The writer of English verses, who longs to escape from the hot-house culture of the day into the free air and natural growth of all that is permanent in literature, may learn of Homer, and more impressively through Mr. Bryant than any other interpreter, the first lesson of noble art, that simplicity is the richest fertility, and a single eye the best guide to suggestive work.

CHARLTON T. LEWIS.

ART. IV. — MODERN ARCHITECTURE.

II.

THERE is great need of public museums of industrial art. It is to be hoped that before many years have passed our older and larger cities at least will have them. As it now is, Americans see so little of fine art applied to industry, that those who make it their business to study and apply the principles of "ornamental" art, especially so called, find it hard to make the community understand what they would be at. There is nothing to look at, for the student; nothing to point to, for the critic. It will be the duty of the new museums of art, now organizing in Boston and New York with good prospects of success, to make collections of industrial art which will be really instructive. As they cannot bring over and set up in their court-yards much that is instructive in the way of beautiful architecture, as whole buildings are unwieldy, and parts of buildings apt to be deceptive and misleading and sure to be unsatisfactory, let them concentrate their energies upon more portable articles. The application of fine art to building is the same in principle with its application to furniture, metal-work, textile fabrics, jewelry, and crockery vessels. Greek vases, Venice glasses, mediæval carved furniture, Renaissance hammered iron, Persian carpets, Japanese embroideries, Chinese enamels, and the like, will enable our workmen to see what is simple and natural design, and what it

is capable of when free from the curse of imitation and trimestrial changes of fashion. The Turkish, Persian, and Indian rugs and carpets in many of our houses are almost the only familiar instances of good art applied to common things in daily use. The gradual introduction of better tapestries and wall-papers than those of ten years ago is almost the only sign there is of the beginning of better times. Unfortunately these are nearly all imported, and they are unreasonably costly to the purchaser at a New York or Boston furniture warehouse, partly because of the high duties upon them, partly because of the huge profits looked for where there is little competition and considerable uncertainty as to what will sell readily.

It is certain that good designing is impossible to men who see nothing beautiful about them. A born designer, even, is nearly sure to come to nothing in one of our cities, where there is nothing beautiful to look at, except the sky and some human faces, from year's end to year's end. The South Kensington Museum, which would be most useful anywhere, is especially needful to London if London designers are to be helped in any way; for the exterior of London is peculiarly unbeautiful, and there is there not even a blue sky with changing and sunlit clouds. But where there is any feeling for beauty of design and any natural power that way, a piece of iron wrought into leaf-work by a sixteenth-century Florentine, or a panel of terra-cotta bearing a Grecian bas-relief, yes, even a Japanese lacquered box of the better and rarer sort, will do much to develop it; more, certainly, than the modern buildings one sees. Very few of the buildings, and very little of the decorative work of Europe and European America, during the century ending with 1850, were fine or even interesting. Together all the arts of ornamental design were sunk into oblivion, or were saved from total eclipse by the efforts of a few men, such as Wedgwood. The loveliest remains of old art were destroyed, or covered with whitewash, or "restored" out of recognition. It was a darkness out of which we are now trying painfully to emerge.

"The world," says Mr. Burges, quoting some writer he does not name, "has been for fifty years in its working dress"; no

matter what marvels of mechanical skill we have achieved, yet, "as regards the production of really beautiful objects, particularly those required by every-day life, we have been behind most other epochs of civilization." "The common utensils found at Pompeii," says Mr. Viollet-le-Duc, "so graceful in form, so perfectly adapted to their uses, show how art, in that brilliant epoch of the history of civilization, had penetrated even to the lower strata of society. The Middle Ages had not the skill to reach that degree of perfection; but they had a marked superiority over our times, they knew no false luxury, each object answered exactly its purpose, and, however coarse the material, however simple the execution, we feel that true art reigned then among those industrious classes which the seventeenth century, to our loss, has taught us to despise." "The Greeks," says Mr. Fergusson, in his wisest book, "never thought of technical classification of the arts, but sought beauty in everything. It was not only in marble and painting that they found it; the same feeling pervaded all they did, and produced similar effects in everything. With them carving in ivory, casting in bronze, chasing in the more precious metals, engraving on gems, all formed fine arts, in which they attained the same expression as in their marble sculptures; and even the art of forming and ornamenting fictile vessels of clay rose to a dignity with them which none of our great arts can equal. Without this universal feeling for beauty, it is evident they never could have attained the perfection they did in any one branch of art." "The only essential difference between decorative and other art," says Mr. Ruskin, "is the being fitted for a fixed place. Get rid of any idea of decorative art being a degraded or separate kind of art. The greatest decorative art is unconventional, but there are various forms of inferior and therefore conventional art, the general definition of which is that they consist in the bestowal of as much beauty upon the object as shall be consistent with its material, place, and office."

The general agreement among these diverse and individual thinkers upon this subject is not apparent or superficial; it is profound and essential. Throughout their works, and throughout the works of modern critics generally, these truths will be found to be recognized: first, that decoration and fine art are not

logically separable, all the best art having been decorative in its nature, and all the best decoration being as pure art as circumstances will allow;* and, second, that no one of the fine arts of design has ever been known to flourish without the contemporaneous prosperity of all or most of the others. We have only the single apparent exception to this second law, that savage tribes excel in decoration by means of color patterns, while possessing almost no power over sculptured forms. But this disappears when we examine the art of semi-civilized nations, as the Chinese, for instance, where, as color design grows more subtile and delicate, it is almost invariably allied to growing perfectness of form, and accompanied by corresponding developments of art, in which form alone or chiefly is the aim of the designer.†

Power of designing fine buildings will be found, then, among those who are able to design other things. If we take the delight of architects and of tourists alike, Venice, as an instance of what a city ought to be, in exterior effect of its buildings, we shall find the earlier palaces built by men whose power of color design, shown in the things that have endured, — mosaic and enamel, and illumination of manuscripts, — has been well-nigh unrivalled. The middle Gothic palaces were built by a community of workmen who had retained nearly all their ancestors' power over color, and had developed sculpture into something, not indeed of technical perfection, but of the highest expressional character, unsurpassed in this respect and in decorative power by the most perfect work. Finally, the refined and severe architecture of the earlier Renaissance was invented and used by men who were themselves sculptors of the first order after the two or three greatest masters, whose power and knowledge was the natural result of the centuries of

* One writer, whose judgment and whose natural gifts as an observer all must respect, seems, from a phrase or two dropped here and there in papers of his in our periodical literature, to hold a somewhat different opinion. I mean Mr. W. J. Stillman. So far as I know, he has never stated his opinion in form, nor any of the grounds for it.

† The finer and more ancient decorative art of China is wholly unknown, both here and in Europe, except to collectors and students in the public museums. It is necessary, therefore, to remind the reader that the dinner-sets, backgammon-boards, carved ivories, and painted screens of modern manufacture and for the European market are nothing to the purpose.

great work gone before, who were the inheritors of all the splendor of decorative art of the Byzantines, and who were members of a community in which the Renaissance of art and literature was active. Why this "new birth" resulted as it did, and why, instead of inheriting from them their own added to their precursors' knowledge and power, modern times have inherited only confusion, doubt, and ugliness from the masters of the Renaissance, we shall know when the history of the Renaissance is written. To the present writer all explanations suggested by his own observation or by writers on the subject seem wholly inadequate.

It would seem to be in vain, therefore, judging by the past, to expect good and beautiful buildings of a people who are content with ugly gas-fixtures and drawing-room furniture, and whose only idea of superior beauty is — "the latest thing" in fashion. A beautiful oil painting — for such things are produced even now — in a frightfully designed and coarsely made frame, hung over a mantel-piece of snow-white marble covered with carved ornament, in the worst style of modern imitation of the debased art of Louis XVI. or of the First Empire, between two modern statuettes of French bronze, shining with lacquer, of disproportionate length of limb and of smirking aspect, — that is modern patronage and modern knowledge of art. "But things are mending." Things are mending in so far that more well-designed articles are made nowadays; this advance has mainly come of the sharp criticism and energetic labors of a few reformers, — Pugin, Wyatt, Ruskin, Burges, Vitet, Boeswilwald, Lassus, Viollet-le-Duc; it is as yet an exotic, it has not taken strong root, it may be nipped where it is by a very slight frost of popular indifference. In old times of good art there were no ugly things, stupidly misunderstood and designed unnaturally, anywhere to be found. Judging by the past, there is little encouragement in what we see around us to-day.

But it seems to be thought by many that it is unfair to the artists and to the arts of the present day to judge them by the past at all. It is said of every person who, in this comparative way, tries to judge of modern art, and who, as a natural result, judges it severely, that he is despondent. He

lacks faith in modern ideas; he does not appreciate the advance the world has made in intelligence and virtue; he is a classicist or a mediævalist or a purist, or, not having sat at the feet of Monsieur Taine, he does not believe in the *Milieu*. If he were only of his own time, as he ought to be, he would be hopeful and confident. Old types ought not to be reproduced; new times and new circumstances give birth to new ideas, and provide a proper expression of them. *Soyons de notre Siècle*, and all will be well. The critics ought to be genial and ready to accept the new age and enjoy what the artists give them.

Like most popular beliefs, it is true enough, taken with limitations, that modern times demand a new art, different from the old. Indeed, that doctrine might be pushed with show of reason further than its more hasty preachers would care to follow it; for suppose it were to be asserted that modern artistical thought finds its true expression in music and verse, and not in the graphic arts at all! Lest we should fall into that error, — for is it not to be true to our century to assume that it is an error? — it will be well to go slowly in trying to dispense with the teachings of the past as to the possibilities of the future.

What means have we of judging of the powers of the human mind when applied to fine art, except the study of the past? Who but the Grecian masters of form are to teach us what is possible to man's hand and eye, when trained to observe and represent ideally the form of man? And it is safe to say that good decoration by means of color is impossible to American designers, in our undecorated cities, without study of the work of Egyptians, Arabs, Byzantines, or Chinese, of the French in the thirteenth or the Italians in the fourteenth century. Not only is it impossible to work to advantage, without some use of others' experience: without a knowledge of what has been done to good purpose, we are no judges of what can and may and ought to be done. Thus if we call Leonardo da Vinci the great master of decorative drawing, — of drawing for effect, — it does not follow that we require every student to draw as well as Leonardo, nor altogether in the same manner; indeed, a colorist would object to have his pupils so regardless of local color as Leonardo, working the shades of white drapery almost to

complete blackness in the effort to get perfect expression of relief and flow. But still, if one wants to learn to draw drapery, for instance, one must have at hand two or three of Braun's autotypes after drawings by Leonardo, just as a standard of great execution.

In brief, it is only by understanding the work of the masters, be they ancient or modern, that the possibilities and limitations of art can be understood. And perhaps there is no advocate of modernism so ardent as to deny supreme mastership to some ancient Greeks, and to some Italians not so ancient.

Those who judge the modern arts of design by any such standard may be dissatisfied; but it ought to be easy to distinguish dissatisfaction from despondency. Despondency is another word for poor health. There are as many seeming accidents that come to help as there are to hinder, and uncertainty itself to the healthily constituted mind is hopeful. No one who is at work trying to make the fine arts at home among his countrymen, and who has a fair amount of energy and resources, can be hopeless. But to be dissatisfied and annoyed, and beyond measure impatient, that is easy and natural. A shrewd observer said not long ago to the writer: "You will find all thoughtful people agree with you about the state of architecture in America; but it is just as bad with painting, only people will not agree to that." It may not be altogether as bad with painting; modern feeling for form and color finds its readiest expression in paintings of moderate size for the walls of the private parlor. Painting in this country lacks in skill and in concentration, and suffers for want of good subjects, but it is very nearly right in some of its aims. But still those who criticise painting as it exists nowadays are dissatisfied, and have reason to be; while sculpture, it is generally allowed, is *dead,* with a few strong men trying to breathe into its corpse some of their own life.

That dissatisfaction with art as it has been and remains is widely felt is proved by the universal demand of a system of teaching art which shall be very different in its results from what has gone before. While venerable national schools are put upon their defence, and their ways of teaching sharply and ill-naturedly compared with their results, scores of independent

systems are offered by as many self-appointed reformers, — plans and expedients which cause remark for a day or two, and then pass out of notice and out of memory. Nearly all the writers upon art who show some originality of thought are notoriously in opposition to the constituted authorities who have charge of the teaching of art. Yet they offer, amid brilliant and stimulating thought and instructive discussion of scores of topics, no plan of instruction which can be said to be in any way satisfactory. Everything is confusion, disagreement, and uncertainty, with the one bit of knowledge resulting from it all, that in good times of art there were no royal academies nor imperial schools, but only the apprenticeship of the learner in the workshop of the master.

This matter of the education of the artist is precisely the one important matter. The advance in style which one hopes for and dreams of is synonymous with the establishment of a genuine and worthy system of education.

To narrow the inquiry to the subject in hand, if every young man who begins this year to prepare for future practice as an architect could be put into thorough and wise training, and taught what many architects of twenty years' practice would agree ought to be learned, and this not by lectures or text-books only, but by the presence of good models, and if this could be continued, in a score of years the difficulties we all experience would have vanished, the way to proceed would be plain before us, and a future of truly modern and appropriate fine art applied to good buildings would be, we have a right to believe, assured.

That is impossible. It is like a dream of another planet, this conception of a succession of well-taught students becoming thoroughly competent builders and decorators of buildings. Reform on this scale, in this thorough way, beginning at the root of things, it is not the purpose of this paper to consider even, so remote and so doubtful is the slightest attempt in that direction. But perhaps building as practised nowadays in America, under the charge of professional architects, might result in more than it does. The difficulties in the way have been treated of in a former article. One of those difficulties was found to consist in the number of different and often con-

flicting duties imposed upon architects, and the great labor involved in the mere carrying on of a large business. It was assumed that the architect as such was not of necessity a designer, an artist in the usual sense, but that the business of the architect was the discharge of a trust, in the proper and judicious erection of buildings. Such a professional adviser assuredly goes wrong and betrays the trust imposed in him, if he leads his client into expenses not contemplated by him, or even if, seduced by no matter how glorious an artistic ideal, he spends the fixed sum too much for decoration, and not enough for comfort, durability, capacity, — for, in short, what his client needs and expects. The architect's power over the work in hand is generally very great. Most employers are very ignorant of all the details of building, and come to the construction of their own house, or church, without previous experience or even previous observation. The plan is worked out, and of this the owner may be able partly to judge, at least in the case of a dwelling or a business structure; but of the exterior as shown him either in "elevations" or perspective drawings he can form but little idea, either as to the general proportions or as to the details, while of the interior effect or of the decoration proposed he can form no idea whatever. The matter of cost, too, in a building of any considerable size, of complicated plan, and of variety of parts, is beyond the control of the owner, unassisted or badly assisted. For, when he has made his contract, what assurance has he that all the items have been allowed for, and are included in the agreement? It is notorious that even with good care the actual cost of buildings often exceeds the cost proposed or agreed upon. This is the most common cause for that result, that necessary things have been overlooked or have remained unforeseen, or that the owner's ambition and growing taste for magnificence direct additions, the expense of which he has no means of ascertaining. But a competent architect has it in his power to guard against all these mistakes and disasters, and to stand between his client and trouble of all sorts. He is like a lawyer in his power and duty to act and suffer vicariously for his client, but with the advantage that he can win every case. The employer puts himself into the hands of his architect as he would put himself into the hands of his

lawyer; and he should have as much reason to believe that his professional adviser is energetic, full of resources, experienced, judicious, and honorable, in the one case as in the other.

It is evident, from these considerations, how necessary it is that there should be a class of educated professional men, who consider it their first duty to administer trusts of this kind. That the architects of the better class are in this respect very nearly all they ought to be the writer is happy to believe; but this class, though much larger now than even ten years ago, is still too small, and is wholly confined to two or three great cities. The American Institute of Architects has for its one primary object the defining and encouraging of upright and efficient professional practice; and this association, which is a sort of federal union, having divisions or "chapters" in Baltimore, Boston, Chicago, Cleveland, New York, and Philadelphia, is beginning to exercise considerable influence in the right direction.

And this class of men so occupied must also, as far as the writer can see, be those who charge themselves with the improvement of architectural fine art. For to whom else shall this be relegated? As we are to-day, the architects are the only class of men in the community who have studied the history of decorative art and the principles of decorative design; moreover, and this is the essential consideration, it is necessary that the artistic design of any building or part of a building should be his who, under the owner, has final supervisory power. This is necessary, because, so great is the ignorance of architectural design among all classes of our community, and so great is the prejudice of nearly all master-builders and their foremen — a prejudice easy to explain and partly explained in a former essay — against the introduction of anything new in the way of decoration, that the whole meaning of a design is nearly always lost if its execution is not superintended by its designer. This is generally admitted to be true; but the attempt has been made in one of our cities to divide the business differently, to employ an artist to make a design and a superintendent to take this design as a suggestion and guide, and to build from it according to his judgment. This has resulted disastrously in every case with which the writer is familiar. Nor

is it difficult to see that it must so result in nearly every case. Even with the good-will of the superintendent, and even if he understands the design, it would be apt to fare badly. But this good-will cannot be bought, nor can it be had at all in most of those cases where the superintendent is a builder by trade, for reasons above alluded to. And for the right understanding of a design involving any carefully considered and delicate designing or matured boldness of construction, some one the equal or thereabouts of the designer is needed; while the master-builders of our great cities, as honest and business-like a set of men as one can find, are indifferent to, or rather averse to, novelties in design, and generally unfamiliar with the principles of construction. There are few builders who know how to calculate the requisite degree of strength or the proper form of an iron girder, or how to get at these points at all, except by looking at another girder doing similar work to that which they require of their own, — a device not always practicable.

There is, then, this one class of men in the community who have perhaps enough to do, even without undertaking the reformation of industrial and decorative art, — to whom, however, the community looks for just this reformation, or at least for the initiatory steps, — who must feel, moreover, that the community is right, and that they have assumed this duty in becoming architects. Well, there is this that counts in their favor, — things are so very bad that any, the least, effort in the right direction will tell, and will be visible to all who observe.

There are many among the architects who are capable of this. If it is true that "for a busy architect to make a tolerable design, he must be a designer by nature," it is also true that there are many designers by nature. We see among children that one boy likes to handle tools and handles them dexterously, while another is clumsy at such things, and does n't care to undertake the making of wagons and traps and water-wheels. There are those, among children and among men and women, who use their eyes, and there are those, the majority, perhaps, who do not. This difference is very perceptible among cultivated people, among whom all such differences are, naturally, more easy to trace; take any

half-dozen of the most enlightened, inquiring, flexible-minded men, and, all questions of special training aside, the most marked differences will be found among them in regard to the amount of interest they take in visible beauty, whether of form or color, whether in nature or art. There are most intelligent and cultivated men, who respect the arts of design and believe in them, who have no eyes in this sense, who, all their lives long, wonder what it all means, and go up to a picture from a sense of duty, with no interest in it other than an accidental one. There are other men who, naturally, observe and remember, to whom the visible form and color of objects is important.

Such men as these may become admirable designers of architecture. Such men as these tend to study and practise the arts of design. In great times of art few others than they will touch the brush or modelling-tool, which is the chief cause, perhaps, of the singularly even excellence in technical skill of the large majority of painters and sculptors in such times. But even now this natural capacity must act as a certain inducement upon many of its possessors, and we may look among the architects for a greater proportionate number of men who have these powers and habits of mind than among lawyers, for instance. Such men may become admirable designers of architecture. The greatest masters come one or two in a century; the lesser masters are more numerous, and there are now alive many men who could be what Sansovino, Wren, and Philibert de Lorme were in their times; but there are smaller men than they who could do wonders, helping one another. One has a natural feeling for *mass;* he never makes the common mistake of supposing things to be flat against the sky, as some not contemptible artists paint their trees; he understands that houses are seen, not from one point only, but from all points, not in flat outline, but "in perspective," and in a perspective that is always changing. And, with little effort, he groups his minor roofs of porch, bay-window, conservatory, kitchen-wing, and stable, effectively, around the roof of the main house. Another is the man of details, he who in the fields picks out the loveliest bits of foreground detail and makes notes of them, with or without sketch-book and pencil.

He, with a good opportunity, becomes a great designer of architectural sculptured ornament, and with his mind occupied at once with the richness of Gothic sculpture in sandstone, and the delicate flow of Italian Renaissance sculpture in marble, and with the greater richness and delicacy of natural leaf-form in the spring, he will successfully direct a score of workmen carving capitals and archivolts of real beauty, — gems, with which he will build. Another will have less of these gifts, but will have firmness and judgment, and the sense to see where others surpass him. This man in our time may come out best of all, longingly as he looks at the work of those whom he knows his betters. He may inform himself thoroughly, and, thanks to photography, surround himself with the noblest work of other times. Second-nature may be almost as good as nature to such a man; not in every case, but often. In the case of the supposed country house, for instance, the greatest and most exalted powers of design are not called for; not because the building is small, for there are as few monuments of Lysicrates as there are Parthenons; not because it is utilitarian, — for the twenty-five-foot front of the Contarini Palace is one of the loveliest compositions even in Venice, — but because there is not one cent to spare for sculptured ornament or for elaborate detail, and the distribution and proportions are in great measure dictated by internal arrangements. Does it follow from this that such a design is easy to make, and that "anybody" can make it? By no means; the strange power of the great designer is as inimitable and unmistakable here as in a cathedral. It follows, though, that a man who is not a great designer, but whose mind is well stocked, whose critical spirit is awake, and who knows what real designing is, may do very well indeed with the house, however poorly with the cathedral. In a time of great and successful art even, these men do good service, urged along, as they are then, by the example set them and the standard put before them. In times like the present they can still more certainly do well, because they, almost alone, look through past time for an example and a standard for themselves, and because their success is relatively much greater than in the great times. Moreover, a habit of patient revision

is necessary to all who undertake to design complicated modern buildings; the india-rubber is a most useful tool, and "rub it all out again" is the young architect's most necessary motto. Our imaginary man of cultivation, good-will, and patience is he who will excel in this process of building up a design by slow degrees and purifying it by gradual elimination. Neither do the designs made in this way lack in unity, as might be supposed, nor do they seem copied in whole or in parts. It is the very purpose of this slow labor upon them to avoid these solecisms. It is capable of positive assertion that some of the best buildings in our great cities, buildings that might be named, have changed in the hands of their designers, in every part and in their whole expression and spirit, between the times of receiving the order and completing the work, improving, moreover, with every change. The willingness to do this is necessary to the most gifted of designers of architecture; only he will not need to do quite so much of it.

There is another habit which an architect should have, if he means to be at all artistic in his work, and to constantly improve in it, that is, the habit of making designs. This is not meant as a paradox; few modern architects make designs enough. Just as a painter should have pencil in hand, and make notes with it, or even without it, on all occasions, so an architect should be always on watch to get up new and original ideas for the making and decorating of every sort of thing that can be treated ornamentally. If he buys a picture, he ought to design a frame for it on sound principles, and to regret it very much if a picture is given him, frame and all. If he has to bind his ten volumes of the *Dictionnaire de l'Architecture Française*, which have come to him *brochés*, he ought to have some fresh and pleasant ideas about the colors and the tooling. Every room in his house ought to be a study of color-decoration; simple and effective designs for his book-cases and writing-table of course he will have made at first; if he ever looks at his copying-press for more than a second, it ought to be to think whether he could paint it more appropriately. It stands to reason that if he builds a house or a church he will hope and expect to be charged with designing the minutest parts of the interior decoration and all the fittings within and without, and with the

selection of the carpets, gas-fixtures (if they are not made from his designs), and the communion plate, or the christening-cup, as the case may be.

Of course, with all this demand upon him for new designs for everything he touches, the artist is not to be excused from making his own designs for sculptured and painted decoration of the most refined and unconventional type, when there is opportunity and occasion. It may be that the duties of the artist and of the builder are too varied, and the knowledge required of them too minute and extensive, to allow the master-workman — the architect — himself to carve the statues around the basement of his tower, or himself to paint the figure-subjects that decorate his vaults. It is simply a matter to be regretted privately by the aspiring artist, that no man now can be painter, sculptor, and master-builder, and excel in all. Mr. Norton, in his valuable book, "Travel and Study in Italy," speaks of Giotto as "almost the last of the long line of complete artists who comprehended architecture, sculpture, and painting in the full list of their acquirements." Sansovino and Brunelleschi, and, better still, Orcagna, may be named, however, as instances of a class of men who long afterward kept up a part of the old traditions, and every one thinks of Michael Angelo when a universal artist is sought for.

But now, if excellence as painter and sculptor at once can be reached by any man, it will still be impossible for such a man to be what a modern architect has to be. That is to say, he cannot practise as painter and sculptor, and be a successful architect besides; and without constant and daily practice, one does not continue to excel in the great arts of design. This impossibility is so obvious to all who have experienced the matter, that it would be unnecessary to state it but for the attempts that have been made to show that there can be no good architecture again until all the architects can do as Giotto and Orcagna found it easy to do. But this we may require of an architect who undertakes any great work, a cathedral or a capitol, in which the finer and higher arts are freely used in connection with the building, and floral carving and decoration in flat color are used to set off and help figure subjects; he must be what Lorenzo Maitani was to the cathedral of Orvieto, a

competent superintendent of painters in fresco and on glass, and carvers of figure subjects and of floral ornament, as well as of masons and blacksmiths; he must have full knowledge and practice to enable him to judge of each man's work and of each man as a workman, and to put his hand to any part with ease to make his meaning clearer. To draw easily and perfectly, to handle the modelling-tools effectively, and to know how to prepare and use the palette, are accomplishments within reach, and it ought to be required of architects to possess them. The few architects in our cities who are really thorough draughtsmen are helped beyond measure by their power of drawing. A master ought never to have to wait for an assistant to sketch in the figures which line his porch and settle upon the arrangement of their folds of drapery.

But, it will be urged, if the first of the difficulties we found to be in the way was the too many and too varied duties now imposed upon architects, how is the matter to be bettered by setting up for them so high a standard of artistical performance? Let us distinguish. It has been said that the architect's business of planning, and his business of superintending work, are really supreme in the greater part of his practice. It has been said also that proper education, however impracticable an ideal system of education may seem, was the one thing needful. The power of drawing and modelling, spoken of above, should be gained in early life; during early life familiarity with the great arts of the past should be gained. Judgment is not ripe at that age, but observation and memory are strong; let critical power come later, and by comparing and analyzing the knowledge of facts that youth should be used in obtaining. Before the age of twenty-five a young man who is to become an architect should have gained the power of drawing easily with brush, with etching-needle, and with pen, and of modelling in wax and clay, and should have drawn from nature and from the antique, with especial attention to the human form and to drapery. Those powers can be gained and the general principles of construction learned by the age of twenty-five, and two years of time spent in the best architectural regions of Europe, in North Italy and France, pencil in hand, will teach the history of architecture. At twenty-five, then, a man of such average

ability as every one meaning to be an architect ought to have, can be, not a *master*, — one gets to be that at thirty-five or forty, by constant and hard work, — but a well-fitted working architect. And this man so prepared can do, without extraordinary exertion, what the practice of his profession requires; although, to the end of time, the men who can do great things easily and well will be "great men" still, that is, men of rare powers of conception and performance.

The duty of an architect who finds himself at work in his profession without quite such a training as he should have received, is simply to do what he can to supply the need, and to make himself as nearly as possible what he ought to be. A man of intelligence and considerable power of steady work can do great things to help himself even after youth has past, and even while occupied in his business. And in all cases to give as much time as possible to elaborating his designs and to see that they are properly carried out in detail, is a mere matter of course. It cannot be avoided if the architect is to be an artist. Much may be done, indeed, by way of relief to overtaxed powers, by division of labor, either between partners in business as architects, or between the architect and his assistants. Still, after all, it is not as a readier and surer means of making money that this way of doing their business is recommended to architects. The way to do a good business with the least possible outlay of time and money has not been for a moment the subject we are discussing. That way to do business is perfectly understood by many architects, and has its charms, no doubt; but good architectural art has no such fatal enemy.

The second of the difficulties in the way of artistical advance was found to be, that many modern materials and processes of building have proved unfavorable, and that these have not yet been subdued. The way to design a front of cast-iron has not been found; perhaps it has not been sought, though a front that is now, in February, 1871, being erected on Broadway, looks like an attempt at something reasonable and right. The mills where clapboards are made, mouldings of all sections "stuck," and sawing and planing and mortising done by steam power and with perfect accuracy; these and the

manufactories of cut nails and gimlet screws have revolutionized wooden construction; but while in Switzerland and Tyrol the wooden houses of a century ago are judiciously and tastefully designed according to the systems of carpentry by which they were to be built, in our towns of frame houses the builders have had no system of suitable ornamental treatment for their carpentry, but are perpetually imitating pseudo-classical and corrupt Gothic details, derived from forms peculiar to cut stone. It is apparently not as imitation that this slavish way of designing recommends itself to the promoters of it; the carpenter hardly expects to make his wooden village church look like a stone one when he makes a show of buttresses by boxing them up with pine boards; his idea is merely that this is the way a church ought to be built, with pointed arches and buttresses. It is a type of sacred art, he thinks, which it is incumbent upon him to reproduce again and again. The columns of a cast-iron store-front are fluted and crowned with so-called "Corinthian" capitals; not that anybody is expected to mistake them for stone or marble, but because it is by following the proportions and profiles of a given order that the designer feels safe from the danger of being called peculiar, and of having his building laughed at by some conservative. And both the country builder in boards and the city builder in cast-iron find that it saves a world of trouble to copy the plates in Nicholson or Chambers. Not only is it easier and cheaper to do so, but thinking for one's self is always very hard work to a man who has not acquired a taste for it.

The way to obviate this difficulty, therefore, is just to acquire a taste for thinking for one's self, and to have it made fashionable or customary to work by judgment and not by routine. It has never been so easy to think for one's self in scientific discovery and in abstract thought, and even in practical engineering, as it is now. The principles of decorative design are not so recondite that well-educated men, taught to examine into those principles and to apply them, accustomed, moreover, to the society of close thinkers on other subjects, should be wholly unable to think out for themselves the different problems connected with the application of those principles to modern building. No decoration at all would probably do well enough, and

buildings rightly built without decoration would not offend. Suppose that the builders of locomotives were always trying to make their machines look like old-fashioned stage-coaches! But locomotives are given a form that is suitable to their purpose, and are far from being unsightly. Suppose that sea-going ships were built with both ends alike, for symmetry! But ships are the most perfect type we have of a strictly utilitarian thing; every line is the result of careful experiments repeated century after century by generations of builders seeking speed and capacity and seaworthiness; and "the lines of a boat's bow are the most beautiful that I know," says Mr. Ruskin, "after divine work." If, then, the designers of buildings were to consider solidity, perfect material, the best forms and coverings for roofs, the best profile of cornice to protect the walls, the right disposition of openings to give light and entrance as required, and the best means of spanning them by arch or lintel, — if these considerations alone were kept in view there is every reason to believe that our buildings would be vastly more interesting and more beautiful than they are. But it is not meant that the designer should keep nothing else in view. Let him be accustomed to care for abstract beauty, and let him be self-trained, as we have said above, to design fresh and natural decoration for everything that can be ornamented. Then, as he lays out his windows and determines the angle of his roof, the question, "How is this going to look?" will always be present in his mind, and utility will be modified sometimes for the sake of greater beauty of proportion, and sometimes sparingly applied ornament will soften or even hide a harsh bit of utility that will not give way.

It is obvious that designing on any such plan as this must be wholly independent of any style of past time. Neither Gothic nor Grecian nor "Italian" nor the spirited and flexible French Renaissance of the time of Francis I., nor round-arched Pisan or Norman or Byzantine, nor any style that can be called by name or fixed by date, is fit for a basis or for a universal guide, or for anything but a stimulating study. If a modern designer can say of his work that it is in this style or in that, he is on the wrong path. Not that the adapting of details and forms is always wrong. A window-head must be

either arched or spanned by a lintel; and if arched the arch must be either round or pointed or segmental, — unless somebody likes to try elliptical or parabolic or catenary curves for his arches, — and it would be very unwise to refuse to appropriate bodily a window, mouldings and all, if one is sure it suits his purpose exactly. Having used an excellent thing once, he will be twice as competent to do something for himself the next time. Raffael took figures bodily out of Masaccio's pictures. Any really able artist is allowed to plagiarize, for he knows how to use his thefts to the advantage of all. So that the vicious imitation is not the appropriating of details, a bit here and a bit there; it is the trying to build a chapel as a chapel was or would have been built in the thirteenth century, — in form and in plan and in material, that is. What propriety is there in building a church for Protestant congregational worship with two rows of columns in it? Churches for this purpose are generally only just as large as they have to be, to seat the eight hundred or twelve hundred people expected every fine Sunday morning. These people sit in their places and listen to a service of which a very large part is a sermon. These churches should be made to see and hear in, and everything should be held subordinate to those primary requirements as thoroughly as in the case of a concert-hall. But a large Roman Catholic church is in many ways totally different in its objects and uses; if a pure Gothic type answers for this, by all means let us follow it, modifying our design only to suit our materials. Nothing is more delightful than to be able to follow, with a clear conscience and with our faculties awake and watchful, whither our ancestors led.

We come now to the consideration of our third difficulty, with which this inquiry must close; let the shortcomings and the duties of the public pass, until the architects are doing something like their whole duty to the public.

Our third difficulty was the great cost of labor in America, and especially of skilled labor; a cost which is likely to grow greater rather than less, and which is likely to be increased by all the philanthropic and reformatory movements which tend to the improvement of the lot of the less prosperous members of the community. It will be seen that the thing is in no way

to be opposed or diverted; the full force of it must be met. It is an advance in civilization which every fair-minded man must rejoice at, while he will regret many of the steps taken by its promoters. Let as many men as possible share in the benefits of a chance for repose and for intellectual pursuits, and a little money to spare; those two household gods are mighty for good.

But they interfere sadly with the general use of beautiful things, when they ordain that a solid and simple table, not richly carved though fairly shaped and moulded, shall cost, including material, but not including any manufacturer's profit, a hundred and fifty dollars, instead of the sixteen or seventeen pounds it would cost in London, or the four hundred francs it would cost in Paris. The difference in the cost of building a church with a good deal of decorative work about it, — painted glass in the windows, ornamental tiles in the floors, carved oak in the pulpit and reading-desk and organ-case, wrought-iron leaf-work in the finials and gas-brackets and chancel-rail, — the difference in the cost of such a church here and in England is very great, perhaps as five here to two in England, though such an estimate is of course of the nature of a guess. And in the future, while the number of skilled workmen may and probably will increase, thereby reducing the cost of fine workmanship just so far as to take it out of the limits of rarity, and making the good work of carver or blacksmith or bronze-chaser just as rare as good work on harness or clothes, and no more unusual than that; while in this way the present exorbitant cost of fine work may be modified favorably for the purchaser by taking off the profits he now allows middle-men, the actual pay of the craftsman will continually tend to increase.

There is but one thing for the architects to do in this case, — to see that their own brain-work replaces so much hand-work as can be spared. In nearly every case a piece of wood-work or stone-work may be designed so as to be less costly and nearly as effective, or more costly and but little, if at all, better. A very splendid interior may be made up of parts, each one of which has been made tolerably cheap by the experience and care of the designer, who has avoided all work that would not show for its full value. Of two patterns of zigzag or dogtooth,

in wood or stone carving, one will cost twice what the other will, and yet seem no more decorative. Even in the case of floral carving, as of capitals of columns, a little knowledge of the work will show a skilled designer how best to give his employer his full money's worth.

Probably there will be no more in the world — in times like the present there cannot be — the splendor and lavish richness of antiquity. Groined vaults covered with mosaics on gold ground are not for modern church roofs, sheets of alabaster are not for our walls, columns of porphyry and serpentine we can have only by twos and threes, not three hundred at a time. Our church porches will never again be carved deep and thick with stories from sacred and profane history, faced with portrait statues and lined with clustering plant-form animals and fanciful monsters. No efforts of our designers will make those things purchasable by church or state, at modern rates of payment. But we can have refined form and delicate color, and endless variety of fancy in the treatment of simpler ornament; and no one knows what might come of twenty years of really unaffected and natural designing, even with those limitations.

Simple designs made by a man who thoroughly understands rich designing in theory, even if he has never had the good fortune to practise it, will show a reflection of the splendid imaginings restrained, the great thoughts half expressed, the knowledge of natural form, and the insight into it which on a more favorable occasion he might show more fully. It is not without regret that, in the future, we shall look back at the magnificences of the past. But it is for men to understand clearly that nothing is to be had in this world except by buying it with something else. We shall pay for the fuller and universal civilization of the future by giving up something, not inconsiderable, of the limited civilization of the past.

Russell Sturgis, Jr.

ART. V. — *The Lawyer and his Clients.* Correspondence of Messrs. DAVID DUDLEY and DUDLEY FIELD, of the New York Bar, with Mr. SAMUEL BOWLES, of the Springfield Republican. Springfield. 1871.

BOSWELL gives this account of a conversation with Dr. Johnson: —

"I asked him whether, as a moralist, he did not think that the practice of the law in some degree hurt the nice feeling of honesty.

"*Johnson.* Why, no, sir, if you act properly. You are not to deceive your clients with false representations of your opinion; you are not to tell lies to a judge.

"*Boswell.* But what do you think of supporting a cause which you know to be bad?

"*Johnson.* Sir, you do not know it to be good or bad till the judge determines it. I have said that you are to state facts fairly; so that your thinking, or what you call knowing, a cause to be bad must be from reasoning, must be from your supposing your arguments to be weak and inconclusive. But, sir, that is not enough. An argument which does not convince yourself may convince the judge to whom you urge it; and if it does convince him, why then, sir, you are wrong and he is right. It is his business to judge; and you are not to be confident in your own opinion that a cause is bad, but to say all you can for your client, and then hear the judge's opinion.

"*Boswell.* But, sir, does not affecting a warmth when you have no warmth, and appearing to be clearly of one opinion when you are in reality of another opinion, — does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life, in the intercourse with his friends?

"*Johnson.* Why, no, sir. Everybody knows you are paid for affecting warmth for your client; and it is therefore properly no dissimulation; the moment you come from the bar you resume your usual behavior."

And it is continually said: "One side of a case is right and the other side is wrong. Counsel, then, on one side or the other in a cause, is always arguing against the right and in favor of the wrong."

The question of the duties of counsel has recently had a special interest given it by the correspondence between Mr.

David Dudley Field and Mr. Samuel Bowles. No one, at this day, will claim for counsel the latitude allowed them by Dr. Johnson, in the extract just given. But what is all this talk of affecting warmth when you do not feel it, of supporting the wrong side of a cause, of arguing against your belief, of the insincerity or dishonesty of the advocate? Where is the blame to be placed of prosecuting bad causes? What do counsel commonly do? What can counsel rightly do? And what have counsel, in fact, of late years been doing?

It is yet to be learned how a lawyer can argue a cause without a client, how he can argue a point of fact without having witnesses, how he can argue a point of law without citing cases. Perhaps, even if counsel go into court with a bad cause, there is as much guilt on the client's shoulders, who brought the cause to the counsel, as on the counsel's shoulders, who took the cause from the client. Moreover, it is one of the commonest things in the world for judges to differ in their views of the law of the same case, for jurymen to differ in their views of the facts of the same case, for clients to differ in their views of the justice of the same case, and for witnesses to differ in their stories of the same case, all being equally honest. If, then, judges, jurymen, clients, and witnesses can honestly err, why are the counsel deprived of the same very reasonable privilege? For, be it remembered, a counsel goes to trial, hearing one side of his case from one client, and judges and jury are often in doubt and utterly unable to agree, after hearing from both clients both sides. It may, then, be possible for counsel to be on what is finally adjudged to be the wrong side of a cause, and still have been honest in his advocacy of it.

And what does the counsel, in conducting the trial of an ordinary cause in a court really do? For, of course, the abnormal knaves of the profession, as in any general discussion, are here to be thrown out of consideration. In the case of Ryves *v.* The Attorney-General, which attracted so much notice a few years since, where Mrs. Ryves attempted to establish her claim to royal lineage, this occurrence is reported: —

"Dr. Smith then proceeded to address the jury for the petitioner, and was beginning to say that 'on his honor he believed his client's case to be well founded,' when the Lord Chief Justice interfered, and peremptorily said he 'could not allow the learned counsel to pledge his honor on his own belief. To do so were a violation of the rules of the profession, and a dishonor to counsel.' Dr. Smith apologized."

And this same thing would be done in any rightly ordered court. It is understood, that counsel, in arguing cases, do not make statements of matters of fact on their own authority. They comment on what witnesses have sworn to. They are not allowed to do more than that. And as to arguments on points of law, generally, if counsel have no points of law in their cause that deserve a hearing, they do not get a hearing. And few intelligent counsel will take up the time of a heedless judge by talking nonsense. Moreover, there remains, behind all these points, the one fact, that counsel, who often argue losing causes, very soon argue no causes at all.

And as to the question what counsel can rightly do, it is plain in the beginning that, on many points, the duties of counsel and client present precisely the same questions.

It is wrong for a client to take away another man's property, or keep him out of his rights. It is wrong for counsel to help his client do either of these things by the use or abuse of the process of the court. And, as to the mere argument of causes in court, if a counsel never knowingly misstate facts or law, he can have a very clear conscience.

There remains one other point. If it be considered settled what a counsel has a right to do for his clients, there still remains the point in some minds to be decided, what clients counsel has a right to have. And, on this point, the choice of the lawyer must be absolutely unlimited, and for his choice he can be blamed by no one. A lawyer has the right to take any clients he chooses. Sinners do have rights and must have justice. They cannot have justice without counsel. In a criminal proceeding no lawyer has a right to see a prisoner condemned contrary to the law and the evidence, for lack of counsel to protect him. In a civil cause every lawyer does, as a matter of fact, and does rightly, consult his own wishes as to accepting or rejecting particular cases or particular clients. The want

of a sufficiently large retainer is a ground which will appeal at once to the reason of any professional man, and very rightly. Men of reputation cannot be asked to give the power they have gained after long years of toil and study without being paid for it. Any lawyer is at perfect liberty to take any client that he chooses, with blame from no one. But what he may do for his client, after he takes him, is not matter to be unquestioned by others.

This brings us to the correspondence between Mr. David Dudley Field and Mr. Bowles. In December, 1870, in the New York correspondence of the Springfield Republican appeared some very severe remarks in relation to Mr. Field's professional conduct and reputation. Mr. Field wrote to Mr. Bowles, complaining of the publication, and asking a disavowal of the offensive matter. Thereupon ensued a long correspondence. It is here possible only to give a very brief statement of the points made or attempted to be made on either side.

Mr. Bowles makes two charges against Mr. Field: first, that Mr. Field has, in Mr. Fisk and Mr. Gould, clients notoriously bad men, who have robbed and are now robbing other men of their property; and second, that Mr. Field, as their counsel, has aided them in so doing. This is the substance.

To this Mr. Field replies that he is not responsible to any one for his choice of clients, and that, assuming his clients to be bad men, it is not only his, Mr. Field's, right, but his bounden duty, to defend them in their rights, and that he never has done anything but defend them in their rights. He says: —

"To give this as a reason for not defending them, is equivalent to saying that the saints must have a monopoly of lawsuits. If a saint sues a sinner, the sinner shall not be defended. If it should happen that a saint wrongs a sinner, the sinner shall not sue the saint. . . . . In this state of things I know no better general rule than this: that the lawyer, being intrusted by government with the exclusive function of representing litigants before the courts, *is bound* to represent any person who has any rights to be asserted or defended. If a person has no rights, the lawyer is not bound to assist. If he has any rights, the lawyer is bound to see them respected, if he can. . . . . I do not assent to the theory of Brougham, that the lawyer should know nobody but his client. I insist that he should defend his client *per fas* and not *per nefas*. By this rule I am willing to be judged.

" . . . . I am quite willing to leave to time the formation of a just public opinion. When that time comes, it will be known that, whatever may be the faults of the clients, their counsel, or that one of them for whom I speak with knowledge, has been governed by nothing but a sense of duty. . . . . You have ventured to arraign my professional conduct. I repel your charge, and challenge you to specify an instance. You fail to specify any, but say public opinion is against me. . . . . That will not do; you must go further or submit to be branded as a libeller. . . . . I have never been consulted beforehand about the management of the Erie Railway, or the issue of any of its stock or bonds, or the payment of any dividend to any stockholder or class of stockholders, or about what is known as the Erie classification bill, or about the gold operations of 1869, or any of the private transactions of Messrs. Gould and Fisk, or either of them, or about any transaction whatever of this company or these gentlemen, to which, so far as I now recollect, any exception has been taken."

And, finally, Mr. Bowles goes so far as to admit: —

"I am only impressed with the fact that you believe yourself right, and that you are acting sincerely, if not intelligently. . . . .

"You have sinned against no statute; I will not undertake to say, even, that you have violated any prescript of the code professional. Within those lines you are wiser than I, and I shall not follow you. . . . .

"Thus I dismiss the most of your argument as purely technical, and not pertinent to my view of the subject."

It has been here attempted to give with fairness, in the words of the disputants themselves, the main points of this correspondence. And it must, it would seem, be admitted that Mr. Bowles does not make a very strong case. Mr. Field is a very cunning master of fence. Mr. Bowles had not the knowledge necessary for him on these points to cope with his opponent; and, as far as this controversy with Mr. Bowles is concerned, Mr. Field is undoubtedly right. Neither Mr. Bowles nor any one else has the slightest right to question Mr. Field's choice of clients. Nor has Mr. Bowles any right to publish, as he did, this statement about Mr. Field, that " his connection with Fisk and Gould secures him the favor of Barnard and the other ring judges, though it has destroyed his reputation as a high-toned lawyer with the public," unless he can, when called on, come forward with the facts to prove his statements.

This dispute has drawn to itself great attention, and rightly. Mr. Field has as nearly a cosmopolitan reputation as any member of the bar in this country. He is a man of great acuteness of mind, a very thoroughly read lawyer, has a muscular strong grasp of legal principles, and he well deserves the highest opinions that have ever been held of his ability. Moreover, he was educated in a day when the purity of the bench in New York was never for an instant questioned, when the most honorable traditions of the profession were taught and practised. He continually shows in court his thorough acquaintance with these traditions, when an adversary violates the least of them. Mr. Field belongs to the time when, as Mr. Evarts said in his address at the meeting called for the organization of the Bar Association of New York, "for a lawyer to come out from the chambers of a judge with an *ex parte* writ that he could not defend before the public, would have occasioned the same sentiment towards him as if he came out with a stolen pocket-book." Beyond a doubt, Mr. Field knows very well what the honor of his profession demands of him. If there have been professional sins on his part, they surely have not been sins of ignorance. If such a man as Mr. Field has been guilty of the outrages with which Mr. Bowles and other men continually charge him, the public should know it, and should well ponder on it. For it shows something "rotten in the state of Denmark."

It is proposed, then, here to briefly examine some of the legal features of one of Mr. Fisk's "raids," as he calls them, — the contest for the control of the Albany & Susquehanna Railroad. This litigation, in its activity, lasted only about two months. But in this space of time there was a perfect meteoric shower of suits, injunctions, and receiverships, that has not been surpassed in any of the Erie wars. It is not intended here to give a history of them, or even any mention of more than three or four of these suits, but simply to examine, at no great length, the character of a very few of the legal proceedings taken by counsel on Mr. Fisk's side of this controversy, and then to examine Mr. David Dudley Field's part in some of these proceedings.

And it will be necessary, for the right understanding of the

legal proceedings here mentioned, to give a very short statement of some of the cardinal unquestioned principles of the law in relation to the granting of injunctions and receiverships, which, under the New York code, are both called provisional remedies. But these principles here to be stated are very rudimentary and simple, and easily understood by any layman.

Under the New York code the pleading made by the plaintiff is called the complaint, and in its form it is somewhat like the old bill in chancery; and it has ordinarily a verification on the part of the plaintiff, to the effect that "it is true except as to the matters therein stated on information and belief, and as to those matters he believes it to be true." This complaint proves nothing. It is merely the plaintiff's statement, for the purposes of the trial, of what he conceives to be the facts constituting his cause of action. And they must be proved by him on the trial, before he can have his judgment or decree.

The writ of injunction, or injunction order, as it is termed in the practice under the New York code, is an order enjoining or forbidding, pending the suit, some act on the part of the defendant which would be specially injurious to the plaintiff, and against which the plaintiff has no other protection or remedy. And, under the New York practice, this injunction order is continually granted, and rightly granted, *ex parte*, or on the application of one party without hearing the other.

Of course, however, in such cases, the court, under the decisions, and in accordance with every principle of law and justice, requires the clearest proof, on the part of the plaintiff, of his rights, and of the damage to his rights, which would ensue without the injunction. This proof, too, must be by affidavit. The affidavit, too, must show facts. It must be, too, the affidavit of a party testifying of his own knowledge, and not of hearsay. The necessity of an affidavit no one would ever question; but, under the circumstances, it may be well to cite one New York authority. Mr. Justice Ingraham says, in the case of Hecker *v.* The Mayor, &c., 18 Abbott Rep. 371: "I have repeatedly held, that an injunction should not be granted on the mere verification of the complaint. This has always been the rule. And such rule has been adhered to

since the adoption of the code." These points are law and common sense. And it is even questionable whether a judge has any jurisdiction to grant an injunction without an affidavit, and whether, if he does so, the injunction is not absolutely void.

And in granting receiverships of property, the plaintiff, both under the old equity practice and under the New York code, is required clearly to establish two points, — first, that he himself has some right in the property which is the subject of the action; and, second, that the property is in danger of being lost or materially injured, pending the suit, if left in the possession of the defendant. And this is very reasonable. For no plaintiff can, with reason, ask a court to take possession of property for him, unless he has himself some right in the property. Nor can he ask a court to take such property from the possession of the defendant, unless there is danger of injury if the property stays where it is. And in the case of a receivership as well as of an injunction, these points, required to be proved, must be proved by affidavit. The affidavit, too, must show facts. It must be, too, the affidavit of a person testifying of his own knowledge, and not of hearsay.

These points being stated, some parts of the Albany & Susquehanna litigation may be considered. The contest was between the Fisk party and the Ramsey party for the control of the road, and the main point, finally, was to carry the election for directors, on the 7th September, 1869. It was decided, in the case of The People *v.* The Albany & Susquehanna Railroad Company and Others, that, out of about thirty thousand shares of stock of the company, Mr. Fisk and his friends controlled only about six thousand five hundred shares. The court, too, further decides that Mr. Fisk and his associates, owning only about one fifth of the stock, in order to get control of the road on the day of the election, "took possession of one of the rooms of the office of the company, and filled the same, and made an unlawful organization of themselves, as a pretended stockholders' meeting; that the holding thereof was in pursuance of a previous conspiracy and fraudulent design between said associates, made for the purpose of interfering with and hindering a lawful election, and procuring an

unlawful and sham election; that in pursuance of said conspiracy they brought from the city of New York a large number of men, who were not stockholders of the company, and who were rough, rude, and dangerous persons, and placed them in said room, with the intent and design that they should participate in said meeting, and prevent lawful stockholders from attending said meeting; that in further execution of said conspiracy, and with intent to hinder the defendant, Ramsey, the president of said company, and William L. M. Phelps, the secretary and treasurer of said company, and Henry Smith, the counsel of said company, from performing their duties at said annual election, and with intent thereby to hinder a lawful stockholders' meeting, they did, on the 6th day of September, 1869, fraudulently procure an order for the arrest of said Ramsey, Phelps, and Smith at or about the time of the organization of the said pretended stockholders' meeting." The foregoing statement is condensed, by simply leaving out from the decision of the court words and phrases here useless, but there necessary, which do not in the least vary the meaning.

But general statements are not enough, nor do they, at all, by themselves, concern Mr. David Dudley Field. Three or four of these proceedings will themselves be examined.

The first proceeding, worthy of notice, was the suit of Mr. Joseph Bush. Mr. David Groesbeck and some other gentlemen held three thousand shares of this Susquehanna stock, which they had purchased of the company. In his complaint, Bush stated that, "as he is informed and believes," this Groesbeck stock was illegally issued, and he asked to have a receiver of this stock appointed by the court.

Now in this suit of Mr. Bush, brought by Messrs. Field and Shearman, there were three peculiarities: first, there was no affidavit as to any point; second, the plaintiff did not pretend to have any interest whatever in this stock; third, the plaintiff did not pretend that there was any danger whatever of injury to the stock. However, on the 14th August, 1869, an order was granted, without a hearing, by Mr. Justice Barnard, appointing William J. A. Fuller receiver of these three thousand shares of stock. Mr. Fuller had been a clerk in Mr. Field's office. He took possession of the stock, under

this order, for the purpose and with the intent, as Mr. Justice Smith says in his decision, of voting on it in the Fisk interest, in opposition to the wishes of the rightful owners; and he did so vote.

Now, even if it had been clearly proved, by affidavit, that this stock had been illegally issued, the most that any one could by possibility have claimed, was that an injunction should issue restraining any one from voting on it. But such an injunction would only have hindered Mr. Groesbeck from voting on the stock. The receivership allowed Mr. Bush, through his receiver, to vote on it himself. And the result of this manœuvre was, that three thousand votes were taken from the Ramsey interest and given to the Fisk interest, and were used in the Fisk interest, by an order obtained, on no proof whatever, by any person whatever, of any fact whatever.

Mr. Ramsey was himself, however, the head and front of the opposition to Mr. Fisk's plans. He was the president and a director of the company.

A suit was commenced in the name of David Wilbur, who lived in Otsego County. There are courts and counsel in Otsego County quite able to give Mr. Wilbur justice, if he wished justice. Mr. Wilbur, however, begins his suit in New York City. Messrs. Field and Shearman are his attorneys. Mr. Wilbur, in his complaint, alleges that, "as he is informed and believes," Mr. Ramsey has done certain things and has not done certain other things. No affidavit of any person to any fact is offered. And on the 4th of August an injunction order is obtained *ex parte* from Mr. Justice Barnard, ordering "that the defendant, Joseph H. Ramsey, refrain from exercising the offices of president and director, or either of them, and from issuing any stock of said company, or in any way interfering in its affairs, until the further order of this court."

Now if it had been clearly proved, by affidavit, of some person, that some party defendant had done or was about to do something which would injure the plaintiff, a court of equity might have enjoined such defendant from doing some particular wrong. No proof whatever was given, by any party, of any wrong, and Mr. Ramsey was enjoined from doing any act.

The Ramsey party met this by a counter-injunction, restraining four members of the board of directors from acting as such, on the allegations that these four directors had fraudulently entered into a conspiracy to transfer the property and control of the railroad to the Erie Railway Company.

The four enjoined Fisk directors, as they were called, were Leonard, Herrick, North, and Wilbur. The injunction is served on them, on the morning of the 6th August, in Albany. Leonard and Herrick live in Albany. They wish justice speedily from the nearest source. They go at once to New York City. They go to Mr. Fisk's Grand Opera House. They find there Mr. Fisk, Mr. Gould, and Mr. Shearman. As to what follows, Mr. Thomas G. Shearman's version of the events will first be given, with the assumption that it is true.

A complaint is prepared, the plaintiff this time being Azro Chase. Mr. Chase also lives in Otsego County, where there are courts and counsel quite able to give him justice if he wishes it. The same attorneys, Messrs. Field and Shearman, appear for Mr. Chase, and his suit is brought in New York City. On his complaint an order is obtained from Mr. Justice Barnard, appointing Charles Courter and James Fisk, Jr. receivers "of all the property of the Albany & Susquehanna Railroad Company." Messrs. Field and Shearman obtained this order that took away one hundred and forty-two miles of railroad and the entire property of a large corporation, amounting to several millions of dollars, from a judge, at chambers, without notice and without a hearing.

The order suspending Mr. Ramsey was served on him on the morning of the 5th of August. The order suspending Leonard and his three co-directors was served on the morning of the 6th of August. The order for the Fisk receivership was granted about half past ten o'clock on the evening of the 6th. The receivers at once started from the Grand Opera House to take the night train for Albany.

But on the arrival of these receivers in Albany on the morning of the 7th, the road was already in the possession of Mr. Pruyn, a receiver appointed in an action commenced the day before in the Supreme Court at Albany, where the property was. And here came, on the part of the Fisk party, what is,

so far as the writer is aware, the most extraordinary proceeding recorded in the history of English or American law. And to make clear the nature of the proceeding, it will be necessary to explain briefly what is a writ of assistance.

Where an order directing the delivery of certain property to a receiver has been properly served, and the receiver is still unable to get possession of the property, in certain cases a writ of assistance issues, directing the sheriff to put the receiver in possession of that property. To warrant the issuing of the writ, two points must be established: first, that the order appointing the receiver has been duly served; and, second, that the delivery of the property has been refused after such service. Moreover, as in the other cases before mentioned, the points must be clearly proved by the affidavit of a person swearing to them positively of his own knowledge.

In this Chase suit Mr. Fisk was unable to get possession of the property of the railroad. He and his counsel were in Albany. The property was in Albany. Mr. Chase, the plaintiff, was in Albany. If they had not their rights, and speed were necessary in getting them their rights, the nearest court was, of course, to be found. But application, in this case, for the writ of assistance, is made by Mr. Thomas G. Shearman in New York City, on this same 7th of August, to Mr. Justice Barnard. So Mr. Shearman testifies. Of course he has himself no knowledge of what has been doing in Albany an hour before. But this Prospero, in his lonely cell at the Grand Opera House, hath a weird potency. Mr. Shearman makes an affidavit. He does not swear that the order appointing the receivers has ever been served on any one. He does not swear that he has "knowledge" of anything. Mr. Shearman makes his affidavit that he has received a telegram from Albany, and that he "is informed" that opposition is made to the receivers by certain persons; that attempts have been made to eject the receivers from the office of the company by force. And on no other affidavit than this, Mr. Shearman testifies that he obtained a writ of assistance from Mr. Justice Barnard, directed to the sheriff of Albany County, and all other counties where the company had property, directing them to put Mr. Fisk and Mr. Courter in possession of that property.

This is not quite enough, however. Mr. Shearman, by a supplemental complaint, brings in new parties. And then appears, with the writ of assistance, on no affidavit but the one before mentioned of Mr. Shearman that he is "informed" of something by a telegram, what purports to be an injunction, of which the terms are so singular that two clauses of it will be given verbatim. The order enjoins the railroad company, its president, all its directors, the receiver appointed in another action, the plaintiff in that other action, the sheriff, and the *Police Commissioners of Albany* "from disturbing or interfering with Charles Courter and James Fisk, Jr., receivers appointed in this action, in the performance of their duties as such receivers; from interfering with the possession of such receivers; from hindering or delaying them in taking possession of any property or effects of the above-named railroad company, or held in trust for it; from refusing or neglecting to deliver to the said receivers all and every the property and effects of the said company, or that may be held in trust for the same, of any name and nature, real or personal; and from inciting or encouraging any opposition, or *permitting any opposition to be made* to the said receivers in the discharge of their duties as such." "That all the defendants refrain from commencing or prosecuting any action for the purpose of obtaining an injunction against said company, or its officers, agents, or servants, or against said plaintiff herein, or said receivers appointed herein, and also from commencing or prosecuting any action for the appointment of a receiver or receivers of said company, or from making any application therefor, except to this court, in this action."

As has been stated, the Police Commissioners of the city of Albany were made parties defendant by this supplemental complaint. The only allegation in this complaint which even mentions or refers to these commissioners is as follows: "That, as the plaintiff is *informed and believes* . . . . , the said . . . . , have attempted to eject the said receivers by force and violence, and are still attempting so to do." Not one word of evidence was laid before Mr. Justice Barnard when he granted this injunction. The papers which were laid before him showed clearly that there could be no evidence.

It must be admitted to have a kind of grim grotesque humor. Armed with two or three injunctions of this kind, one might with safety say, with Alexander Selkirk, "I am monarch of all I survey." But, after all, this injunction is partial, incomplete. It is applicable to only one particular case. It is better to find at once a formula for an injunction for all cases. And, none being found in the books, the writer takes the liberty of suggesting the following, which is doubtless capable of great improvement. Have in the beginning the ordinary complaint, that, "as the plaintiff is informed and believes," some one, no matter who, has done something, no matter what. Leave out altogether the names of parties defendant, to be inserted as need arises. Let the injunction read, "it is ordered that the defendants, and each of them, refrain from refusing or neglecting to do anything that the plaintiff may request." Or, in order to have definiteness of evidence in case of a proceeding for contempt, it might be well to amend the last clause thus: "that the plaintiff may request in writing." And, of course, there must be the invariable protective provision, "that the defendants bring no suit, and make no application for relief, *except to this court in this action.*" Add a receivership of the defendants' property. And if injunctions of this kind are adopted, it will at once do away with the necessity of any examination as to the limits of the powers of a court of equity. And the terms of such an injunction are no broader than those of the one already cited.

But the manner of serving this new Chase injunction, and of executing this writ of assistance, is another novelty. Most persons know that an injunction order cannot be served without producing the original order. Nor can a writ be executed by the sheriff until he has it in his possession. The injunction was to be served and the writ executed in Albany. Both writ and injunction, as a matter of fact, were in New York. Inconvenient it was, surely. The inconvenience might, perhaps, have been avoided, had application been made to a nearer court. However, the order and writ had been obtained by telegraph; why not serve and execute them by telegraph?

About nine o'clock in the morning Mr. Fisk has his misadventure in not getting possession of the property of the road.

About three o'clock in the afternoon the sheriff in Albany has in his hands what purports to be the writ of assistance, issued in New York City; and the counsel of Mr. Gould is with him, urging him to execute it. The counsel of the railroad company calls the attention of the sheriff to the fact that the ink is not dry on the writ, signed in New York by a New York justice, reciting on its face matters that had taken place in Albany only five or six hours before. And the sheriff very wisely concluded that, on such process, it would be dangerous to try to take away the entire property of a large railroad corporation. The words of the writ had been sent by telegraph, by Mr. Shearman, from New York. The original writ was sent from New York by the train that left there at four o'clock, P. M., and reached Albany about ten o'clock in the evening. So Mr. Shearman testifies.

This is, perhaps, the nearest approach yet made, on the part of the ordinary human being of the period, to omniscience and omnipotence. But how far is this to go? You can obtain your writ, with the evidence at one end of the telegraph and the writ at the other end. You can execute your writ with the original at one end and the sheriff with the copy at the other end. Why not do away altogether with the two useless elements, the evidence and the original writ, and get on with copies alone? Or may we make our own originals? Or may we have our writs and orders signed in blank? Among the glorious inventions of the nineteenth century will be recorded that of obtaining process of court without evidence, and executing process of court without having it. The name of the inventor is unknown; but the glory of the invention lies, as far as yet appears, between Mr. Thomas G. Shearman and Mr. David Dudley Field.

"Non nostrum inter vos tantas componere lites."

Who will say, hereafter, that law is merely a science of precedents?

But were these orders and writs ever signed in New York? And were they signed anywhere on the days of their date? Testimony was, during this litigation, taken in regard to the circumstances under which these orders, which were served in

so extraordinary a manner, were obtained. The testimony was very peculiar. It was substantially as follows.

Mr. Shearman, during these proceedings, gave his testimony in relation to the obtaining the first order, of the 6th August, which appointed the receivers. According to this testimony, the first thing done, to his knowledge, as to the appointment of Fisk and Courter as receivers, was done in the treasurer's office at Mr. Fisk's Grand Opera House, on the evening of the 6th of August, about eight, P. M. The order was taken by his partner from the treasurer's room, in order to procure Mr. Justice Barnard's signature, and this partner was not absent from his (Mr. Shearman's) presence longer than from 10.20 to 10.35 P. M.; and this partner returned with what purported to be Mr. Justice Barnard's signature at the foot of the order. Mr. Shearman also stated that he was then informed by Mr. Fisk that Judge Barnard was at the house of a friend in the neighborhood. Neither this partner, who is stated to have obtained Judge Barnard's signature, nor Mr. James Fisk, who is stated to have given Mr. Shearman information as to Judge Barnard's whereabouts, were at any time produced as witnesses.

Mr. Courter, too, one of the receivers, testified that on the morning of the 7th, when they reached Albany, he had no paper relating to the receivership in his possession; nor could he swear that Fisk had the original order at the railroad office on that morning.

Nor can this order, the place of which in space and time it is so hard to determine, be anywhere found in the minutes or records of the court.

It did not appear in evidence that Judge Barnard was in New York at all on the 6th August. It did appear in evidence that he was in Poughkeepsie as late as seven, P. M., on the evening of that day. The distance from Poughkeepsie to New York is about seventy-five miles by rail.

The injunction order of the 7th August, even Mr. Shearman swears, was not in Albany when it was pretended to serve it there. The writ of assistance of the same day, Mr. Shearman swears, was not in Albany when it was pretended to execute it there.

This writ of assistance, Mr. Shearman swears, "purports to have been granted by Judge Barnard, sitting at special term in the court-house, and such was my information and belief." The order for leave to file a supplemental complaint, Mr. Shearman swears, was made on the same day. And he says, "I drew the papers and sent them to the court-house."

The minutes of the "special term in the court-house" for the 7th August show that this "special term" was held, not by Mr. Justice Barnard, but by Mr. Justice Ingraham.

When and where were this writ and this order granted?

Of another order, bearing date the 10th August, Mr. Shearman swears: "It was granted by a special term of the Supreme Court, held by Judge Barnard. I cannot remember on what day, but it was between eleven, A. M., and one, P. M., at the court-house in New York City."

The minutes of the "special term of the Supreme Court," held on this 10th August, "at the court-house in New York City," show that this "special term" on that day was held, not by Mr. Justice Barnard, but by Mr. Justice Ingraham. On Friday, the 6th August, Judge Barnard was in Poughkeepsie, where his mother was dangerously ill. She died on Sunday, the 8th, and her funeral was on Tuesday, the 10th.

Was this order of the 10th August granted by Mr. Justice Barnard? And if so, when and where was it granted?

It has not been here attempted to give an account of every step in these legal proceedings, so called. Merely those which are most pertinent to the matter in hand are here related. And the only remaining occurrences that call for notice here are the proceedings connected with the election on the 7th September, 1869. These proceedings, on the part of the Fisk party, embraced several points.

The inspectors for the election had been chosen, as they always were, at the preceding annual meeting of stockholders, and the facts making their appointment regular or irregular had been long known to the Fisk party and their counsel. An injunction was obtained enjoining these inspectors from acting as inspectors at the election. This injunction, with printed copies ready for service, was in Albany on the 6th, the day before the election. Of this injunction Mr. Justice Smith

says: "It seems to me quite clear that this injunction was improvidently granted. . . . . The use that was made of this injunction is, I think, the more serious ground of objection to it."

This would dispose of the inspectors, who were supposed to be unfriendly to the Church-Fisk interest, and friendly to the Ramsey interest. But further "legal process" was necessary.

A suit was commenced in the name of the Albany & Susquehanna Railroad Company, as plaintiff, against Mr. Ramsey, the president, Mr. Phelps, the secretary and treasurer, Mr. Henry Smith, the counsel of the company, and Mr. Pruyn, the receiver, who was also a stockholder in the Ramsey interest. Messrs. Field and Shearman commenced this action, as attorneys for the plaintiff, although there was regular counsel of the railroad company, regularly appointed, and they must have known it. It was stated in the complaint, which no one, either attorney or client, ventured to swear to, that these defendants had, "with intent to cheat and defraud the plaintiff, clandestinely and without authority removed" from the office of the company certain of the company's books. As matter of fact, these books had, on the night of the 5th August, been removed for the purpose of securing them from Mr. Fisk, whether unnecessarily or not needs no discussion here. This action was not brought to recover the books, nor was there any pretence that it was brought for that purpose. It was brought to recover damages, laid at the sum of fifty thousand dollars, for the removal of these books, which were, as matter of fact, returned uninjured before service of process on either of the defendants. And in this suit an order of arrest was granted by Mr. Justice Barnard, holding each of the defendants to bail in the sum of twenty-five thousand dollars.

The authority of Messrs. Field and Shearman to bring this action, and the purpose in bringing it, will more fully appear hereafter. Mr. Justice Smith says of it: "The order of arrest was unauthorized. But assuming it to be otherwise, the order to hold to bail in the sum of twenty-five thousand dollars was most extraordinary and exorbitant, and must have been procured to be used, as it was used, on the day of election, in aid of the fraudulent purposes of Mr. Fisk and his associates."

These election proceedings are the ones that specially concern Mr. David Dudley Field.

The election was announced for twelve o'clock, noon, of the 7th September. On that day Mr. Fuller, the receiver of the Groesbeck stock, an impartial officer of the court, meets Mr. Fisk and Mr. Shearman at breakfast, receives his Fisk ballots from Mr. Shearman, and rides to the company's offices with him, about half past eleven o'clock. So Mr. Fuller testifies. On their way they see the injunction served on one or two of the inspectors, and it was about the same time served on all three of them, within less than half an hour of the time of the election. At half past eleven o'clock, Mr. James Fisk, Jr. and Mr. David Dudley Field enter the railroad company's office together, and immediately behind them Mr. Fisk's band of "rough, rude, and dangerous" men, to the number of forty or fifty; Mr. Fisk saying to them, as one witness testifies, "Come on, boys, follow me." According to the testimony, the appearance of these men was much like that of Sir John Falstaff's levies, of whom the Knight said, "No eye hath seen such scarecrows. . . . . There 's but a shirt and a half in all my company." And Sir John's final determination, as given in the play, "I 'll not march through Coventry with them," might have been a safe precedent, for both client and counsel, in the case in question. These men nearly filled the directors' room, where the stockholders' meeting had been appointed. They had just come from New York, and each of them had received his proxy on one or two shares of stock. Mr. Field and Mr. Shearman were both there, advising as counsel through the whole proceeding.

At a quarter before twelve, Colonel Church, one of Mr. Fisk's proposed co-directors, was chosen chairman of this stockholders' meeting.

Immediately thereafter the first set of resolutions was passed. One of them was to the effect that, "Whereas, Samuel Hand, Ralph Lathrop, and William Haskell were declared inspectors at the last annual meeting, and whereas they have not been and are not now stockholders, and *have been enjoined* from acting as inspectors, *Resolved*, that . . . . the offices of inspectors of election be and the same are hereby declared vacant."

And another resolution was then passed, appointing, as inspectors, three of Mr. Fisk's friends, one of them being Mr. Gould's counsel throughout this whole contest, and another being Mr. Bush, the plaintiff in the receiver suit. This was the first set of resolutions.

A second set was offered and passed, at twelve o'clock, or a few seconds after, to the effect "that this meeting proceed with the annual election of directors and inspectors." The newly appointed inspectors had proceeded to the treasurer's room immediately after their election, ready to begin receiving votes, precisely at twelve o'clock, and they did so begin to receive votes. Mr. Field and Mr. Shearman were at their side to advise them, and these "rough" men, according to the testimony, voted under the eyes of Messrs. Shearman and David Dudley Field, until Mr. Fisk said, "Let them boys go back. There is enough of them voted. Drive them back."

Just at this time the sheriff appeared, arrested the president, the secretary, and the counsel of the company, under (as the court say) an "unauthorized" order, holding them to bail in the "extraordinary and exorbitant" sum of twenty-five thousand dollars, in pursuance of this "fraudulent conspiracy." Surely there was an artistic completeness to this plan, by whomsoever it may have been arranged.

Saith my Lord Bacon, in his Essay "Of Cunning," "There be, that can pack the cards, and yet cannot play well."

Mr. Groesbeck and his friends seemed to think that they had some rights in relation to their three thousand shares of stock. They had consequently begun a suit, in which they set forth that they were the owners of these three thousand shares of stock (as the court say they undoubtedly were); that through a fraudulent conspiracy on the part of Mr. Fisk and his associates a receiver had been illegally appointed, who had taken possession of their shares (as the court decided was the case); and that this receiver intended to vote thereon (which was also the case, for he did so vote). They thereupon asked and obtained an injunction order, enjoining the holding of any election, unless they, the plaintiffs, were first allowed to vote on their three thousand shares of stock "free from injunction," and this injunction was duly served on the newly made in-

spectors, before they had received a single vote. Mr. Bush, one of these inspectors, testifies that he did not read the injunction, but handed it over to his counsel and proceeded with the election. A moment's delay seems to have been all the result. A copy of the injunction was handed to Mr. Shearman, who was standing next the inspectors. He examined it, simply said to Receiver Fuller that an election was enjoined unless the votes on the three thousand shares were first received, and Mr. Fuller, who had been waiting to deposit his votes, at once voted, as he himself testifies, on stock which was by him claimed to be void, in opposition to what he knew to be the wishes of its owners. And Mr. Bush, the plaintiff in the suit where the receiver was appointed, made inspector at a sham election, by the votes of rough men, who were not stockholders, brought from New York by Mr. James Fisk, in pursuance of a conspiracy to prevent the true stockholders from electing the directors of their own corporation, received votes, in disobedience of an injunction of the Supreme Court, on stock which he had sworn no one had a right to vote on, in which he himself claimed no interest, in direct opposition to the wishes, as he knew, of the owners of the stock, who were there with their hands tied by injunctions which they obeyed. This was done under the advice of Mr. Thomas G. Shearman, given at the time, as Mr. Shearman himself testifies, in the presence of Mr. David Dudley Field.

The voting then went on at the Fisk poll. But Mr. Ramsey had wealthy friends present. Bail was immediately given for himself, the secretary, and the counsel, a meeting of the legal stockholders was then organized, a new poll opened, the election there went on, in (as the court held) a perfectly regular manner, the Ramsey ticket, as the court decides, was elected, and Mr. Fisk defeated.

And Mr. Justice Smith says in his opinion: "Upon the whole evidence upon this branch of the case, I think I am bound to find, as matter of fact, that there was a preconceived scheme, combination, or conspiracy to carry the election of directors appointed to be held at the time and place aforesaid, by the use and abuse of legal process and proceedings."

"A conspiracy," the court say, "to carry the election by the use and abuse of legal process and proceedings."

The judgment of the court in this cause may possibly be reversed. Be that as it may. For the first time, so far as the writer is aware, in the history of English or American law, a court has decided that there was a "conspiracy and fraudulent design . . . . for the purpose of interfering with and hindering a lawful election, and procuring an unlawful and sham election" of the directors of a corporation; that in the "execution of said conspiracy" parties did "fraudulently procure an order for the arrest" of the officers and counsel of the company; and that there was a "fraudulent conspiracy to carry the election of directors by the abuse of legal process." Grave charges are these against the parties. On their face they would seem to deeply concern counsel. Any court would naturally require very clear evidence before ever giving such a decision. The evidence in this case was very clear. And a slight examination of some points of this evidence will give the means of deciding whether or not the opinion of the court was well founded, and what share Mr. David Dudley Field had in these matters.

In all these suits and proceedings which were taken, in the names of different parties, in the interest of Mr. Fisk, the plaintiff's attorneys were Messrs. Field and Shearman. In this firm Mr. David Dudley Field is a partner, according to the sworn testimony of Mr. Shearman. It does not appear by the evidence that Mr. David Dudley Field personally advised or directed every one of these proceedings. He did personally advise and direct some of them, some of the earliest and some of the latest. But in order to hold him personally responsible for the character of these proceedings, whatever they were, it needs not to show that he personally procured, or directed the procuring, all the obnoxious orders.

No sane man supposes for an instant that any counsel of ordinary shrewdness engages in a litigation like the Susquehanna contest without advising continually at each successive stage of the affair, without being carefully and minutely informed of the contents of every single paper, without thoroughly examining every single fact. Mr. Field is one of the most acute practitioners that has ever been known at the New York bar. Any person who has heard him try a cause in court is well aware how exactly he knows and remembers the slightest par-

ticulars of the most unimportant testimony connected with his case, how his unceasing watchfulness never loses a single point of fact or law. Mr. Field assuredly would consider it an insult to his shrewdness if any one should suppose that he was engaged for one day in this Susquehanna litigation, without thoroughly knowing every the least point in it, from the beginning to the end.

Now, even if Mr. Field had not himself examined an order or process of court before it was obtained by his firm, as soon as he did examine it, if it had been wrongly obtained, he was bound neither to use it himself nor to allow any one else to use it. And if it had been rightly obtained, he was bound neither to "abuse" it himself nor to allow any one else to "abuse" it. In such cases it is not enough for him to say that he is not the whole of the firm of Field and Shearman, and that he did not in person procure the obnoxious order or process. Perhaps any ordinary layman can see that, if the order of arrest for Mr. Ramsey and his counsel, after it was signed, had been quietly laid away in a drawer, no one would have been greatly injured. Probably Mr. Ramsey and his counsel would have been quite content for Messrs. Field and Shearman to obtain orders without number, of all kinds, if they were never used. Mr. Field did himself use these orders. As to some, at least, of these orders and proceedings here related, Mr. Field was "consulted beforehand," and himself advised and directed them.

On the evening of the 6th of August, when the Fisk directors, who had been suspended, came to New York, it will be remembered they went at once to the Grand Opera House, and reached there about six o'clock, P. M. They did not come to hear the witching strains of Offenbach. They were seeking the halls of justice.

This order of the 6th Mr. Field says he did not procure. But did any one procure it? Mr. Field did, in his own person, go to Albany on the 9th, to help get possession, under this order, of this railroad. Mr. Field did, in his own person, for the very same purpose, drag his adversaries before Mr. Justice Barnard, on the 12th, on an order, granted or not granted, "at the court-house in New York City" or elsewhere, by Mr.

Justice Barnard, on the 10th, the day of his mother's funeral in Poughkeepsie.

But for the purposes of this paper the election proceedings have the most interest.

On the evening of the 6th of September, the day before the election, there was a meeting at the Delavan House. There were present, with others, Mr. James Fisk, Jr., Mr. Thomas G. Shearman, and Mr. David Dudley Field. The whole plan of operations for the election was there discussed and arranged. The enjoining of the inspectors was mentioned. The injunction was already there, with the printed copies ready for service. It was then also mentioned that the officers were to be arrested. The order of arrest was then on its way to Albany, and had on that day been obtained in New York on papers drawn days before in the office of Messrs. Field and Shearman. It was, on this evening, too, arranged that a meeting was to be organized at a quarter before twelve, twelve being the hour regularly appointed. "It was part of the programme," says Mr. Shearman. It was also mentioned that "persons" were coming from New York to vote. The first set of resolutions, reciting that the inspectors "have been enjoined," were drawn long before the injunction was served, and copied by Mr. Samuel North, who it was arranged should offer them; and that there might be no mistake, this first set of resolutions was indorsed "immediate," signifying that they were to be offered "immediately" after the meeting was organized. The draft of these resolutions Mr. North swears he received from the hands of Mr. David Dudley Field. The resolutions to the effect that the meeting proceed with the election were drawn hours before the meeting was organized, and copied by the same Mr. North, and he received them at the same place and at the same time. It was arranged who should be nominated for new inspectors at the early meeting. Mr. Hamilton Harris was one of these proposed inspectors. And he testifies that he was asked to be such candidate, "beforehand," by Mr. David Dudley Field. This elaborate mechanism, this "programme" for carrying an election, this enjoining of inspectors, this arresting of officers and counsel, this filling the room where the meeting was to be held with "rough, rude, and dangerous persons," this device of

what the court calls a "sham" meeting before the hour, this preparation of resolutions, this selection of officers, — in whose brain was it begotten, that of client or counsel? And in the brain of which counsel?

And the manner in which this cunningly devised plan was carried out deserves admiration. These "persons" left New York together the day before, and reached Albany in the morning; they breakfasted together, received their proxies together; they were kept together until about half past eleven o'clock, when they marched together to the Susquehanna offices, and together followed Mr. Fisk and Mr. David Dudley Field to the directors' room, which they filled. They voted together at that so-called stockholders' meeting, under Mr. Field's eyes; they voted together in the treasurer's room for directors, by Mr. Fisk's direction, under Mr. Field's eyes. They had been brought from New York that they might so vote, as Mr. Field very well knew.

And as to the arrest suit, the facts are peculiar. Mr. Dudley Field, the son, testified as follows, when examined as to the authority of his firm to bring this action: —

"I have in my possession a resolution of the executive committee of this company requesting our firm to bring this action. I don't know of anything else except a letter received from Mr. Hamilton Harris, which accompanied this resolution, which referred to the bringing of the suit, the contents of which I do not further recollect.

"*Question.* Was the receiving this resolution and letter of Mr. Harris the first information you had of the bringing of the suit?

"*Answer.* No; I had discussed it repeatedly with my father, who is my senior partner, for days before that time, and the bringing the suit was only delayed until we received a formal authorization from the company.

"*Q.* Will you give a copy of Mr. Harris's letter, or that portion relating to this suit, and the resolution?

"*A.* I will give you a copy of that portion; it is dated September 3, 1869, and is addressed to Field and Shearman, and commences with the following words: 'Gentlemen, — Enclosed I send you the resolution of the executive committee of the Albany & Susquehanna Railroad Company, directing proceedings to be instituted for the recovery of the books of the company.' I think that is the letter referred to, but if not, the letter is not in my possession. I will annex to my affidavit a copy of the resolution referred to."

The portion of the resolution referred to reads: —

"*Resolved*, That Field and Shearman be employed to take all legal means for the recovery and restoration of the said books, and for the *arrest* and punishment of the persons abstracting them."

Mr. Hamilton Harris, who is thus stated to have sent this resolution to Messrs. Field and Shearman, authorizing this arrest, testified in relation to the same matter as follows: —

"*Question.* When did you first know of the order of arrest which was issued against Joseph H. Ramsey, William L. M. Phelps, Robert H. Pruyn, and Henry Smith, or either of them?

"*Answer.* *Soon after the poll was closed* I heard that Mr. Ramsey and Mr. Smith had been arrested under some process, which I afterwards learned from Mr. Smith himself was an order of arrest. That is all I know about it.

"*Q.* Was that the first knowledge or information you had of such an order, *or that such an one was to be applied for?*

"*A.* *It was.*"

The defendants against whom this order of arrest was obtained were all well-known citizens of Albany, who had lived there for years. Mr. Henry Smith is one of the first advocates in the State of New York, and one of the leaders of the Albany bar. These defendants were the president, secretary, receiver, and the counsel of a railroad company, which held its annual election at twelve o'clock, noon, on the 7th September, and these four defendants were the head and front of the opposition to the election of the Church or Fisk board, for whom Messrs. Field and Shearman had been counsel through this whole contest. The papers on which this order was obtained were completely ready in Messrs. Field and Shearman's office before the 2d September. Mr. David Dudley Field had already "discussed it repeatedly" with his son and partner. Messrs. Field and Shearman "delayed" the bringing the suit until the resolution of the 3d. Messrs. Field and Shearman "delayed" obtaining the order of arrest until the 6th. Some one or other "delayed" arresting these gentlemen until after the coveted books had actually been returned to the company's office, and until precisely twelve o'clock on the 7th of September, when the loss of one single minute might ruin the labors of a lifetime. Mr. Henry Smith, in his closing argument in the case

already mentioned, said, speaking of Mr. Ramsey's arrest: "I saw this man in charge of the sheriff, and held there as a prisoner, just as this election was to be proceeded with, and at the same time saw David Dudley Field coming in and standing in the doorway, with his fingers in his vest, tauntingly laughing and sneering at him." Mr. David Dudley Field, in his closing argument in this same case, speaking of the same arrest, says: "It is clear that nobody in the Church party had anything to do with that arrest at that particular time."

This arrest suit was afterwards dismissed by the court, after hearing Mr. David Dudley Field in opposition thereto, and after reading his partner's affidavit, on the ground that it had been brought without any authority.

And this is, according to Mr. David Dudley Field, practice of the law. Is there not danger lest, if such practice obtain, the delicate courtesies and gentle sentiments of the profession be lost?

Mr. David Dudley Field has seen the palmy days of the New York bar. What are to the younger men of the profession merely dim traditions of a past age, are to him the fresh memories of a present life. Mr. Field is a legacy to the present generation at the bar from the golden age when, as we are told, counsel showed one another the knightly courtesy of a Bayard. He was taught in the days of Chancellor Kent. He is one of the most eloquent apostles of legal reform. He is, even now, urging an amendment to the New York code, providing that no receiverships shall be granted on the *ex parte* order of a judge. To him, probably more than to any other one man, the people of New York are indebted for the code of procedure. To him, of course, one of the oldest, ablest, and most cultivated members of the bar, the younger men are to look for an example of professional conduct. And they are to look for this example, doubtless, in Mr. Field's management of these Fisk litigations. For it is of them that Mr. Field says: "Nothing but a profound conviction that I could not with honor retire from these suits has kept me in them. Being in them, I shall do my whole duty to my clients." And this "whole duty to the clients" consists, we are to infer, in the devising and carrying out a transaction like the following.

Mr. James Fisk and his associates, all of them, in this matter, clients of Mr. David Dudley Field, acting under his advice, endeavor to get control of a railroad and elect its board of directors. As the court has decided, they own not more than a fifth of its stock. This is their procedure. They suspend the president, who is opposed to them, by an order of Mr. Justice Barnard, granted, as they themselves show, without a hearing, on not one word of evidence. They tie their opponents hand and foot with injunctions restraining any application for relief, "except to this court in this action," "this court" being Mr. Justice Barnard. They pack a "sham" meeting with "rough" men from New York, Mr. David Dudley Field himself being at their head, to hinder the stockholders of the company from meeting in their own office to protect their own property. To bar the possibility of these stockholders meeting anywhere else, Messrs. Field and Shearman, at the very moment of the election, when an hour's delay costs millions of property, have the sheriff arrest the officers and counsel of this company, in a suit commenced, without authority, under the advice and direction of Mr. David Dudley Field; and the arrest is made under his eyes to his complete satisfaction. They pretend to elect a board of directors by votes cast on stolen stock, in defiance of an injunction of the Supreme Court. And, after all, they commit the unpardonable sin of failure.

All this is done in pursuance of a cunningly devised plan. The court call it a "fraudulent conspiracy." Mr. Shearman calls it a "programme." Mr. Fisk calls it a "raid."

In "conspiracies" there are no accessories. All are principals. This particular "conspiracy" did not spring, Minerva-like, from the brain of Mr. James Fisk. Mr. David Dudley Field, for one, helped devise it. Mr. David Dudley Field, for one, did execute it. Other lights of the bar, doubtless, had their share in it. Do they wish to claim it?

And this is, it is to be presumed, the "whole duty to clients." These are, it is to be presumed, the proceedings in which Mr. David Dudley Field is kept by "nothing but a profound conviction that he cannot with honor retire" from them. This is, it is to be presumed, Mr. Field's lesson to us from the days of Chancellor Kent.

And is the order of arrest henceforth to be one page of the advocate's brief?

It may be said, perhaps, that, after all, this decision of Mr. Justice Smith is merely the decision of a single judge; that it may be all wrong, may be reversed on appeal; that it is, as yet, too early to judge Mr. Field. The matters here stated in relation to Mr. Field do not in the least degree depend on the correctness or incorrectness of the decision of Mr. Justice Smith. To be sure, the language of that decision has been here sometimes borrowed, but merely for the purpose of showing that very respectable authority has already given a name to some of these proceedings taken on the part of Mr. Field's office. But the point of that decision is, Which board of directors was or was not legally elected? With that point we have here nothing whatever to do. It has been attempted here to make clear the character of some of those legal proceedings, by statements which are true, and which remain true whether Mr. Justice Smith's decision be reversed or not. And as to the direct share of Mr. David Dudley Field in these proceedings, no word of comment is here given, nor do any of the statements here made in relation thereto depend in any degree upon the decision of Mr. Justice Smith. These statements are made solely on the sworn testimony of Mr. Field's clients and his associate counsel. Mr. Field, assuredly, will not question the veracity of these witnesses.

Nor has Mr. Field been unheard in these matters. If guilty of anything, he is guilty of the same charges on which judgment has already gone against his clients in the case already mentioned. In that case Mr. Field and his associate counsel, with consummate ability, produced their witnesses, and argued the law and the facts before an able and impartial judge. He did his utmost there to clear his clients and failed. The issues and evidence here are precisely the same as in that case.

No one can ask of Mr. Field a higher standard of professional conduct than he himself lays down in this correspondence with Mr. Bowles. He says, "The lawyer is responsible, not for his clients, nor for their causes, but for the manner in which he conducts their causes." "I do not assent to the theory of Brougham, that the lawyer should know nobody but his client.

I insist that he should defend his client *per fas* and not *per nefas*. By this rule I am willing to be judged."

And Mr. Field says: "I have never been consulted beforehand . . . . about any transaction whatever of this company or these gentlemen, to which, so far as I now recollect, any exception has been taken."

Does Mr. Field "recollect" this Susquehanna litigation?

And Mr. Bowles admits that Mr. Field "believes himself right"; that Mr. Field has "sinned against no statute," and has not "violated any prescript of the code professional."

In the New York Revised Statutes, Vol. II. p. 691, are certain definitions and certain penalties of certain conspiracies. A portion of the statute reads as follows: "If two or more persons conspire . . . . falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence, or falsely to move or maintain any suit, or for the perversion or obstruction of justice, or the due administration of the laws, they shall be deemed guilty of a misdemeanor." Whether or not any of the matters here related fall within the definitions here cited, or either of them, need not here be discussed.

Mr. Warren, in his work on Law Studies, Vol. I. p. 423, after relating a case of professional misconduct on the part of a member of the English bar, adds: "This case has been presented to the reader because of the singularity of its circumstances. It appears to be the only instance recorded in the books of misconduct by a member of the bar, judicially cognizable, and punished, because of his being such."

ALBERT STICKNEY.

Art. VI. — CRITICAL NOTICES.

1. — *The English Governess at the Siamese Court.* By A. H. Leonowens. Boston: Fields, Osgood, & Co. 1870. pp. viii, 321.

The writer of this book had certainly extraordinary advantages for seeing this most interesting country. She was invited there by the king to undertake the education of his children. This was no light task. His family was very large, and the children were eighty-one in number. With a keen foresight of the possible dangers of the step he was taking, he said to her in his letter of invitation: "We hope that in doing your education on us and on our children (whom English call inhabitants of benighted land), you will do your best endeavor for knowledge of English language, science, and literature, and not for conversion to Christianity; as the followers of Buddha are mostly aware of the powerfulness of truth and virtue, as well as the followers of Christ, and are desirous to have facility of English language and literature, more than new religions." Mrs. Leonowens, on reaching Siam, experienced many difficulties, which seem to have arisen from the impossibility of agreement between a self-reliant Englishwoman and the despotic king of a land where the women are no more than ornaments of a harem. Still, in spite of continual bickerings, she seems to have rather got the better of his Majesty, and in the position of secretary, to have made herself useful to him in more glorious ways than that of simply teaching his wives and children English. All through her book we see that the whole country is judged from a rather petty point of view; it is a semi-barbarian royalty and another civilization judged by commonplace respectability. Perhaps the book is all the more valuable on this account, her continual surprise at the shiftless civilization of the country, so different from the practical training of our every-day life, and her ill-concealed horror at it all, give us a much more vivid idea of the land than any enthusiastic descriptions which veil half the truth. Her view is like that of a carpenter, who, having seen nothing but American wooden houses, might be shown the Cambodian temple. If he used his eyes at all, if he were an intelligent man, he would give us an interesting account of it, but scarcely a sympathizing one. Her account is written, it must be said, in a very careless way, and we are treated to a great many more descriptions of her mental anguish, and of the tears of her child, whom she always calls "Boy," than are interesting in a book upon Siam; but it is a common failing of travellers to forget that the selfish public only cares for that which is new and

strange in books of travel, and that the domestic sufferings of the writer are apt to prove uninteresting reading. In spite, however, of its literary faults, the book is both entertaining and valuable. It is not every traveller who sees just that side of Eastern society which Mrs. Leonowens depicts in this book. It was a curious and rare experience to teach English out of Webster's spelling-books to these thoughtless slaves, who the next day might lie in a prison at the caprice of the king. Such a story is that of "Hidden Perfume," a story which makes us regret that Mrs. Leonowens did not copy more. The king she seems to have seen in especially unfavorable light. Indeed, this keen-tongued governess must have seemed to him like a terrible and ever-present judge over all his actions. She must have represented to him the enlightened voice of the nineteenth century, and must have appeared as a sort of incarnate Mrs. Grundy, well calculated to make him doubtful of the advantages of Western civilization. We see him a statesman and philosopher to the public, but at home he was a domestic tyrant, — and a domestic tyrant in a country where the women are under lock and key is a monster that the most ardent reformers of hereabouts can never imagine. So that in regarding him we should distinguish his double life. We will not attempt to apologize for him in his private life, except by quoting his own defence against the attacks of an English newspaper published in Siam, "that when the Recorder (the paper) shall have dissuaded princes and noblemen from offering their daughters to the king as wives and concubines, the king will cease to receive contributions of women in that capacity." He was a warm student of the West, and an intelligent one, and he shows a freedom from prejudice, and an earnest desire for improvement that is very rare among rulers of any country. There is something painfully touching even in his ludicrous pedantry; for the poor man would at times have a missionary sent for, from miles away, to decide whether *murky* was not a better word than *obscure* or *gloomily dark*, or some such trifle. A touching story is that of his little daughter Fâ-Sing, who died of cholera when only eight years old. In a long circular which the king wrote about her, he said: "The sudden death of the said most affectionate and lamented royal daughter has caused greater regret and sorrow to her Royal father than several losses sustained by him before, as this beloved Royal amiable daughter was brought up almost by the hands of His Majesty himself, since she was aged only 4 to 5 months, His Majesty has carried her to and fro by his hand and on the lap and placed her by his side in every one of the Royal seats, where ever he went; whatever could be done in the way of nursing His Majesty has done himself, by feeding her with milk

obtained from her nurse, and sometimes with the milk of the cow, goat &c., poured in a teacup from which His Majesty fed her by means of a spoon" (cannot one forgive the king a great deal after that?) "so this Royal daughter was as familiar with her father in her infancy as with her nurses." It is just such insights into the king's life as this that give the book its charm. Another entertaining chapter is that upon the white elephant. The Buddhists, who believe in the transmigration of souls, imagine that this animal, which is especially rare, contains the soul of some great man, and on finding one they cover him with gold, and lavish every attention upon him. This is but a logical sequence of their most logical religion. One was caught during Mrs. Leonowens's stay in Siam, but he died before he reached the capital, where a palace was building to receive him. The king on learning it (no one dared tell him, but they broke the news to him by tearing down the palace intended for the elephant) burst into tears. He consoled himself, however, by writing the following description of the animal: "His (that is, the elephant's) eyes were light blue, surrounded by salmon-color; his hair fine, soft, and white; his complexion pinkish white; his tusks like long pearls; his ears like silver shields; his trunk like a comet's tail; his legs like the feet of the skies; his tread like the sound of thunder; his looks full of meditation; his expression full of tenderness; his voice the voice of a mighty warrior; and his bearing that of an illustrious monarch."

This is simply amusing to us, but it is only one side of Buddhism. Another, and a most interesting one, may be seen in a little book called "Why I am a Buddhist," lately published by Trübner. It contains an ingenious defence of Buddhism, which is said to have been inspired by the late king, and which gives us no low opinion of his intelligence.

The illustrations of this volume, which are copied from photographs, add greatly to its interest. Especially noteworthy are those of the Cambodian temples, probably the most curious ruins in the world.

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2. — *Römische Geschichte von* Wilhelm Ihne. Erster Band. *Von der Gründung Rom's bis zum ersten punischen Kriege.* Zweiter Band. *Vom ersten punischen Kriege bis zum Ende des zweiten.* Leipzig: Verlag von Wilhelm Engelmann. 1868–70. 8vo. pp. 483, 406.

It was quite common, a few years ago, to assert that the German mind was ill-fitted for historical composition; that its work was to collect and criticise materials for others to use. To be sure it did not

seem likely, in the nature of things, that the nation of Goethe and Beethoven should be incapable of any kind of artistic composition, but the remark certainly had some plausibility at the time. The works of Niebuhr, Boeckh, and Hermann are encyclopædic and exhaustive in matter, but hard and heavy in style; it was through the elegant histories of Arnold, Grote, and Mure that the results of German investigations have passed fairly into literature. But after all, the event has shown that the German scholars were right in their method; that they were amassing materials for their own nation as well as for others. For two or three generations, they confined themselves mainly to preparations, aiming simply to know whatever could be known in every field of knowledge. When this was done, they began to turn their attention to more distinctly literary work. A new school of more genial scholarship succeeded the old purely critical one; and the works of Mommsen and Curtius in especial prove that the Germans possess the power of using as well as of acquiring historical information.

Dr. Ihne's History of Rome is another of the same class, and will fill a place of its own even by the side of Mommsen's great work. It is not, to be sure, materially shorter than this; the two volumes before us do not come down quite so far as Mommsen's first two; but it is much more popular, — less ponderous, one may say. It is not, like the other, the work of a man of genius, but it is the work of a ripe scholar, who has made original investigations of his own, — a man of quick perception, lively imagination, and a vivid style, who has lived a sufficiently active and varied life to lose the mental habits of the mere student. It is far easier reading than Herr Mommsen's history, and probably more interesting for the majority of readers. That is to say, it may be read with interest and profit by any person of a fair degree of cultivation while Mommsen's needs to be *studied*, and many parts of it are suited only to professional scholars. We are glad, therefore, that Dr. Ihne has himself prepared an English translation of his history, which we believe is in part already published.

In the volume last published, which treats of the Punic Wars, the feature of most interest is the high estimate placed upon the Carthaginian government, in point of wisdom and efficiency. The author takes direct issue here with Mommsen, who attributes the victory of Rome to her higher political sense, while Ihne ascribes it to her more favorable situation, — Rome being at the head of homogeneous tribes, Carthage of barbarian subjects. Many of the points he makes here are very good, especially where he vindicates Carthage from the obloquy of being a nation of traders, by pointing to the example of England, and running a certain parallel between the two nations. Also in

speaking of the almost unlimited power put in the hands of the Carthaginian generals, and the fifty years that the family of the Barcas held this power, he points to the significant fact that "by none of them was an attempt ever made for the overthrow of republican freedom, as was regularly expected of too powerful commanders in Greece and Sicily, and later was the experience of Rome herself." He maintains further, against Mommsen, that throughout the second Punic War Hannibal was heartily supported by the government, as well as the people of Carthage. In this he seems to make out his case, at least in good part; in most points, however, chiefly in the first volume, in which the two writers differ, we find Mommsen's views at once more probable and better supported by the authorities.

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3. — *An Elementary Greek Grammar.* By WILLIAM W. GOODWIN, Ph. D., Eliot Professor of Greek Literature in Harvard University. Boston: Ginn Brothers & Co. 1870.

THE necessity of a new Greek grammar for beginners has long been felt. The book most commonly in use in this part of the country was more than twenty years old, and consequently bore no trace of many important investigations and discoveries made in this generation in Germany and in this country. Professor Curtius of Leipsic has applied the results of the comparative philology to Greek grammar in a book which is already in its ninth edition in Germany, has been translated into most European languages, and in America has formed the groundwork of Professor Hadley's excellent work. In fact, Professor Curtius has effected a complete revolution in the treatment of some portions of the Greek grammar, especially of the declensions and conjugations. In the syntax of the moods and tenses Professor Goodwin has done great service in establishing and extending important principles in the theory of conditional and relative sentences, in the doctrine of the *oratio obliqua* and the use of the subjunctive in independent negative sentences.

But in books designed for younger students, for boys before they come to college, no sufficiently full or accurate account of these improvements has been given. This want Professor Goodwin has undertaken to supply by the publication of an elementary Greek Grammar, which, in the compass of little more than two hundred pages, gives all that is necessary for the student in his first three or four years' study of the language. Having devoted only fifteen pages to the account of the letters, syllables, and accents, Mr. Goodwin treats the

whole subject of inflection in something less than one hundred pages. It is here, of course, that the influence of the new school of comparative philology has been strongest. The author has discarded the old-fashioned method of forming the cases of the nouns from the nominative, and the various verbal forms from the present indicative, and has adopted the only scientific method of formation from the nominal or verbal stem. Boys will no longer be told to tear one tense to pieces that they may build up others from the *débris* of the first; but will learn in this book from a central verbal stem or root to form in an exact and regular way the various forms which they successively require. And in this connection Professor Goodwin has wisely adopted Curtius's division of the verb into classes according to the different modes of formation of the present from the verbal stem or root. This is one of those improvements which the comparison of the allied languages alone made possible, but which, once adopted, has brought order out of confusion in one of the most perplexed subjects of Greek grammar. For the comfort, however, of any conservative who is growing alarmed at this desertion of the old paths, we may mention that our author has not been seduced into abandoning the time-honored division of the noun into three declensions, nor into heaping substantives and adjectives together under the common category of nouns.

Perhaps, however, the most distinguishing peculiarity of this grammar is the amount of space and attention which it devotes to the syntax. In all elementary grammars with which we are acquainted, at least twice as much room is allotted to the treatment of the inflections as is given to the syntax. Professor Goodwin has broken through this tradition, and devoted as nearly as may be an equal number of pages to each subject, and thus, and by his opinion, as expressed in the Preface, has given the weight of his authority in favor of an appeal to the reasoning powers of the student, rather than to those of mere memory, at an age far earlier than has hitherto been attempted. With this opinion we are disposed heartily to agree. Our best schools send every year to college boys who know their accidence reasonably, and in some cases admirably well, — boys who have mastered once for all the difficulties of inflection; but in the principles of syntax, and in their application to the phenomena of the language, their training is miserably deficient. And yet there are no difficulties inherent in the subject so great as to prevent boys of eighteen years having learnt, and learnt to understand, the chief peculiarities of the Greek idiom, especially when, as in the book before us, they are presented in clear and concise language, and with constant comparison of the English

usage. Initiation in this subject, and, indeed, in almost any other, is best made under the personal instruction that is possible at schools alone; in the class-room of the college where the tutor's attention is demanded at once by some thirty or forty students of various stages of preparation and ability, it is impossible for each to receive the careful attention without which all first efforts are very hard. If our boys can be induced to bring to college the fundamental principles of the syntax impressed on their minds, and a fair amount of skill in the management of practical details as they occur in their reading, the chief difficulties in the way of their future scholarship will be already overcome.

The sections on the syntax of the verb are condensed from the author's special work on the Moods and Tenses, and furnish, so far as we know, the only clear and complete account of this important branch of the subject to be found in any elementary grammar. To those who are acquainted with the larger work, it is unnecessary to call to mind the completeness and accuracy of statement for which Professor Goodwin is distinguished. We are glad to hear that we may expect very soon another (fourth) edition of this invaluable book, with fresh improvements and corrections. We have only to assure our readers that for the elementary grammar the work of condensation is thoroughly and conscientiously done. To come now to the other department of Greek syntax, the general doctrine of the cases is at present one of the least satisfactory portions of Greek grammar. It is as yet impossible to comprise the manifold uses of the Greek cases in any clear or definite conceptions. We may expect much in time from the historical investigations of the new school of German philologists, which acknowledges Professor Georg Curtius as its master. But at present the philologists have just begun to build up the comparative syntax. The questions in what respects the existing five cases of the Greek represent the eight of the original language are calling for solution. A beginning has been made in their consideration by Delbrück in his tract on the Ablative, Dative, Instrumental, and Locative in the Vedic language, Old Latin, Greek, and German; but nothing is as yet sufficiently settled to warrant the author of an elementary grammar in deserting the old method. At present the only practicable course is to state simply and clearly, as Mr. Goodwin does, the various uses of the Greek cases and their points of divergence from our English idiom, without any very detailed classification or subordination of the notions which they denote, according to their logical ideas.

There is another great merit of the book before us which is not quite so apparent to every one who takes it in hand as the one which we have just noticed. After satisfying ourselves that the work is excel-

lently adapted to its immediate purpose of impressing on the learner's mind the forms and the principles of Greek grammar, it is worth while to observe that by incidental remarks, scattered here and there through the book, the attention of the student is called to the fact that Greek is only one of many kindred languages which are sufficiently like it in formation and even in idioms to throw great light upon its grammatical structure. There is no subject which interests students of the ancient languages, after a certain amount of the initial drudgery is overcome, more than the elementary truths of comparative philology. In this connection, besides the statements in the Introduction, and the casual hints in the treatment of the nouns, we would call special attention to the notes on pages 84, 85, which treat the important subject of the personal endings in a thoroughly scientific method, and contain a really elaborate comparison of the forms of the verb εἰμί in the various Indo-European languages. We are glad to see correct views of the origin of prepositions stated in an elementary grammar, and the absurdity ordinarily called tmesis passed over as lightly as possible (p. 150), and especially grateful for the note (on p. 144) in which the composite and representative character of the dative case is clearly recognized.

The mechanical execution of the grammar leaves nothing to desire, and in these days of weakness of eyes, often attributed to the uncongenial study of Greek, it is very important to have our books well printed. We regret, however, to miss an Index, although the Table of Contents goes far towards supplying the defect. We congratulate teachers on possessing at last an elementary grammar which provides thoroughly well for the uses of the school, and is at the same time an excellent stepping-stone to the higher work of college, and even of maturer study.

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4. — 1. *A Comparative Grammar of the Anglo-Saxon Language; in which its Forms are illustrated by those of the Sanskrit, Greek, Latin, Gothic, Old Saxon, Old Friesic, Old Norse, and Old High German.* By Francis A. March, Professor of the English Language and Comparative Philology in Lafayette College, ... etc. New York: Harpers. 1870. 8vo. pp. xi, 253.
2. *An Anglo-Saxon Reader, with Philological Notes, a brief Grammar, and a Vocabulary.* By the same. pp. viii, 166.

In view of the new and keen interest that has been for some time awakened for the historical study of English, it seems strange that our helps to the acquisition of Anglo-Saxon, the indispensable foundation of that study, have been so insufficient. It is hardly too much to say

that we have not had in English an Anglo-Saxon grammar or lexicon that was fit to be used. British scholars, with a somewhat characteristic negligence, have been content to copy and work over Rask, again and again, as if Grimm and his school had never existed. In our own country, a well-meant but feeble effort to do something for Anglo-Saxon grammar was made, some twenty years ago, by Mr. Klipstein. Recently (1865), Professor Hadley gave in his "Brief History of the English Language," prefixed to the last edition of Webster's Dictionary, a simple sketch of the language, sounder in method and more instructive than anything else that had appeared, and only needing greater accessibility to make it a valuable text-book for private and class study. Still later, a Mr. Shute put forth a little Manual, upon a good and practical plan, but so ill-executed as to be hardly better than worthless: all that was good in it was cribbed, in a damaged condition, from Hadley.

There was, then, not only room, but an "aching void," for a new Anglo-Saxon grammar, which should fairly represent the results of the best Germanic studies; and it is matter for congratulation that an American has come forward to fill the void with a work so able and scholarly as this of Professor March's. We may point to it with pride, as a credit to American philology. It is founded, on the one hand, upon a thorough examination of what the great German grammarians, special, comparative, and theoretic, have done; and, on the other, upon a comprehensive study of the accessible Anglo-Saxon literature. There is no part of it, from the Introduction to the Indexes, which does not bear witness both of profound and penetrating research and of indefatigable industry. The author did not need to tell us that its elaboration has been a labor of love with him. His enthusiasm, moreover, has carried him far beyond the bounds of a mere Anglo-Saxon grammar. Every letter and every form he endeavors to trace back, through the whole series of changes wrought in it by time and use, even to the old mother-speech, which was spoken before Sanskrit and Greek and Celtic and Germanic had begun to be different dialects. The work is thus, as its title claims, a *comparative* grammar of Anglo-Saxon, and is meant to serve in part as an attraction and introduction to the general historical study of Indo-European language.

This wide comprehensiveness of plan, however, will not be found in all respects to increase the usefulness of the work. Many will be likely to wish that the author had labored with a more single eye to teaching the Anglo-Saxon itself. One grand object with those who wish well to philological culture nowadays is to allure as many students of English as possible to the pursuit of Anglo-Saxon, which

can alone give reach and depth to their study, and connect it organically with the wider studies of Germanic and Indo-European language, and the science of universal language. In order to attain this object, it should be made as easy and as attractive as possible to learn Anglo-Saxon. The connections of the latter with English would be the side of its history most to be insisted on; its upward genealogy would be exhibited more scantily, by way of illustration, and in order to tempt the learner to further investigation. We greatly fear that at least ten will be frightened away from the study of Anglo-Saxon by the formidable aspect of the text-book offered them by Professor March, for one that will be led through it to the pursuit of general linguistic science. The possibility of teaching well and effectively a language along with its historical development, and out of the same text-book, may be seriously questioned. No one thinks of learning Latin, or Greek, or even Sanskrit, in that way; nor can we call to mind a single text-book in which the two objects are combined. The learner has quite enough to occupy his mind with at first in the new forms and words he has to acquire; when he has gained a certain familiarity with these hard facts, he has leisure and spirit to trace their wider relations. Every modern dialect, it is true, leads up to the parent speech; but it is somewhat as all roads lead to Rome: there is much chance for choice as to which you shall take. The Anglo-Saxon conducts us naturally back into Teutonic or Germanic grammar; and there we shall best take a new start, and review carefully the various ways that centre in it, before pushing further on and upward.

We could wish, therefore, that Professor March had made a more careful separation of his comparative apparatus from the main substance of his grammar, and had put the former into a more subordinate position, as illustrative matter, so as to make it easy, for any one who chose, to take the one without the other. We should also have counselled greater moderation and reserve as to the amount and kind of comparative data admitted. To put the student in relation with the best historical investigations of language, it would have been enough to report simply the sure and well-established results of comparative philology. But Professor March in not a few cases oversteps this limit, and gives us, along with such results, mere doubtful hypotheses, daring conjectures of a single scholar, which have not yet received, and may never receive, the general assent of students of language. We will refer here to only one striking instance, namely, Schleicher's scheme of the original case-endings (p. 35), involving his theory of an *s* as specific sign of plurality.

In virtue of its form as well as its substance, this grammar is rather

unmercifully hard to use. Its author is himself so intense and enthusiastic a worker, that he has an exaggerated faith in the working power and zeal of others. He nowhere labors to make things easy. He scorns compromises, and will not abate a jot from what he regards as a true theoretic mode of statement in any case. And the tendency of his mind is not at all toward casting his statements into a simple form. The most abstract formulas and technical terminology content him best. He revels in hard words, Greek, Latin, and German. This is rather a regretable mental habit in a teacher. It is surely possible to secure the results of profound scholarship with less of learned show and apparatus. A want of moderation, of due consideration of practical ends, seems to characterize Professor March here, as well as in the matters to which we have before directed attention. It appears in even so small an item as his rejection of the sign *w* as representative of the sound of that letter in Anglo-Saxon, and his adoption, instead, of a new character, modelled after that used by the Anglo-Saxons themselves, and so like a *p* that the beginner, especially, is continually harassed and vexed by the resemblance, and almost needs a microscope to distinguish the one letter from the other. There is not the smallest real gain from this bit of — pedantry, as we can hardly help calling it. It is not prudent to talk of *parasyntheta* without ceremony, as if every novice in grammar would of course know what that meant. The subject of Anglo-Saxon versification is not so intricate, or so closely akin with Greek and Latin prosody, that nearly the whole of the terminology of the latter need be dragged in to help the treatment of it. Nor can we approve so extensive an importation as is here made from the German. "Strong" and "weak" we are willing to put up with, because they have won a pretty general currency, and have a kind of practical convenience, although they are in themselves just about as appropriate names of declensions and conjugations as "green" and "red" would be; and, as some of the best Germanists are now rejecting them, we have great hope of seeing them wholly banished from use in another generation. But to take in *ablaut* and *umlaut*, and, yet worse, that ugly and absurd term *rückumlaut*, as English words, is quite beyond the stretch of our liberality. "Breaking," for *brechung*, is bad enough; but when it comes to such a Germanism as "head-cases" (for leading or principal cases), we are violently recalcitrant. And for whose benefit is it that we have such a rule of syntax given as that "a compellative is put in the vocative"? Certainly not the learner's. There seems, indeed, to be too much classical influence in the assumption at all of a "vocative" which never differs from the nominative. Why not an ablative and locative as well? or a dual, which should be identical in form with the plural?

In the making up of his verbal paradigms, also, we think Professor March takes a too *a priori* method, establishing first a framework of what the verb ought to express, or expresses in other tongues, and then trying to make the Anglo-Saxon verb fit into it, — not without stretching. The same effect is given by his treatment of the syntax, in which Becker was not a desirable model to follow. Notwithstanding this drawback, however, the syntax is one of the most original and valuable parts of the grammar, and for it the deeper student of the language will be truly grateful.

We had marked for notice a number of points, as to which we regard Professor March as taking the wrong view, or suggesting an untenable theory; but they are of comparatively slight consequence, and may be let pass. A man of his marked individuality cannot well help striking out occasionally into paths where others will be shy of following him.

The Reader is a worthy companion-book to the grammar. It contains seventy large octavo pages of extracts from the Anglo-Saxon literature, of every variety of style, carefully edited, and followed by full and elaborate notes. For the present, a very succinct Vocabulary is added, but this the author promises to expand into a complete etymological one. The included "brief grammar" will be found, upon the whole, the least satisfactory part of the volume, being made up by piecing together extracts from the larger work, and so sharing in some of the undesirable features of the latter. It might have been better worth the author's while to make an independent grammatical sketch, in which he should write himself fully down to the requirements and preferences of those who will be likely most to need his help. Had he done so, no better "Introduction to Anglo-Saxon" could have been asked for; as it is, we fear that he will fail of a part of the reward, in extended use and popularity, which his labors deserve.

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5. — 1. *Ralph the Heir.* By Anthony Trollope. New York: Appleton & Co. 1871.
2. *My Daughter Elinor.* New York: Harper Brothers. 1870.
3. *Miss Van Kortlandt.* New York: Harper Brothers. 1870.

We have not placed Mr. Trollope's last work at the head of our notice with any intention of giving a synopsis or entering into a discussion of its plot; indeed, the conclusion has not yet appeared as we are writing these words. Still less have we placed the two American books after it with any similar intention, or because they are novels worth

reading, or novels at all, except in name and form. We wish, if possible, to investigate and discover some of the reasons why the novel — the *roman de société* as distinguished from the romance — is so flourishing in England and so puny in America.

Mr. Anthony Trollope we take as the most representative, if not the best, specimen of the living English novelist. He was lately suspected of having written himself out, — a suspicion which the "Claverings" and "He Knew He was Right" did much to justify. But even should the catastrophe of "Ralph the Heir" break down, some of the central chapters have already saved the book. The troubles of Sir Thomas Underwood with his ex-ward, his ex-ward's tailor, and his own election committee are not surpassed by anything in Dickens or Thackeray. Since his Lady Mason in "Orley Farm," a character which raised him at once from the position of a popular novelwright and marked him with the stamp of something very like genius, he has never shone so brilliantly as now.

When the question is asked in what Trollope's excellence particularly consists, most persons answer that it is in the skill with which he delineates the peculiarities of certain classes, and the example usually given is clergymen of the Church of England. He certainly *has* made a special study of parsons, as Miss Austen did before him, and as, to take a parallel case in French literature, "Droz" has made a special study of the French priests. But to our mind his forte is not so much the peculiarities of any one profession as the general walk and conversation of the upper and upper-middle classes. Thus, he is *immense* in a quarrel, — the quarrel of two men who are sufficiently gentlemen and good citizens to abstain from bodily collision, but not sufficiently Christians or philosophers to abstain from using very strong language to each other. One of his shorter works ("The Vicar of Bullhampton") is little more than the history of a quarrel. Now, in spite of all that has been or may be said about *ingenuas didicisse*, etc., the best of us can hardly help being interested in a jolly row. At the same time there are always, to a well-regulated mind, repulsive associations connected with a squabble, and here it is that Trollope's art comes in; he idealizes what Mr. Pickwick called an interchange of argumentative elocution just enough to remove the repulsiveness. Compare him, in this respect, with the great French realist Flaubert. Look at one of Flaubert's quarrels; it is about a woman *naturellement;* there is a brisk burst of epithets, one disputant pitches a plate at the other, and the inevitable duel follows. It is real, but too real and too rapid. In illustration and confirmation of what we have said, it may be remarked that when one of Trollope's heroes actually commits a breach of the peace, it is some half-licked Johnny Eames, not yet up to the ways of good society, who

thus commits himself. This delicacy of the novelist is noteworthy, because he could not avoid inheriting just a *soupçon* of the vulgarity which pervaded every composition of his mother's, and which in his own *Brown*, *Jones*, and *Robinson* crops up very unpleasantly.

Another excellence to be noted is, that he does not make his stupid characters too stupid. They have their transient gleams of cleverness. The hen-pecked bishop, the old Colonial governor, is sometimes ready with a pertinent answer to the much superior man with whom he is arguing; and this is exactly what occurs in real life, as the intelligent reader can perhaps testify from experience.

But these merits and others which might be mentioned do little to elucidate the problem which was on our minds at starting. Why is it that such books can be written in England and cannot be, at any rate are not, written in America? Why are performances like "My Daughter Elinor" published by great houses and puffed by newspapers of much literary pretension, as if they were real novels? Why do our novelists of both genders give us personages and scenes that are like nothing anywhere on earth? Why do the only lifelike pictures of real manners that we have almost invariably take the form of sketches? Why is it that a man like Bayard Taylor, who can write excellent single chapters, cannot put a number of chapters together into an excellent book?

Why, indeed? We are sometimes told, because the English rejoice in lords and ladies and an aristocratic society. Very well; the French have a democratic society, according to their own statement. True, it does not prevent them from counting many more dukes and marquises among them than are to be found in England; but, on the other hand, it affords an excellent material for the novelist. Does all, then, depend on the magic of a few titles? Whatever the main structure of society, must there be dukes and duchesses at the top in order to make the good novel a possibility? If so, it is a little odd that the best novels should not necessarily be those which make much use of titled personages. Miss Austen, to the best of our recollection, seldom introduces any one of higher rank than a baronet, and in this very "Ralph the Heir" there is no lord at all and only one Sir. Again, the writers of English novels (with few exceptions, and these exceptions not including the best writers) do not belong to the nobility, hardly belong in any sense to the aristocracy; therefore we have this anomaly and contradiction that in England, with its tightly drawn class distinctions, the men of one class can describe those of another as well as those of their own; while in America, where it would be flat blasphemy to speak of classes, the men and women of one set cannot describe either those of their own

or those of any other set in an accurate, natural, and amusing way, except, as we have intimated, in mere sketches and studies.

Still, there hangs over us an uneasy, indefinite impression that the respective social or socio-political states of the two countries must have something to do with the matter. Suppose we seek for internal evidence in the book before us, and try if we cannot pick up some hints which will aid us in our investigation.

We have referred to certain annoyances which befall a Sir Thomas Underwood, and the narration of which forms the most interesting portion of "Ralph the Heir." The first character who figures in these *petites misères* is a tailor and breeches-maker, appropriately named Neefit. Wealthy and vulgar, ignorant and obstinate, he has one great ambition in life, to marry his daughter to a "swell," and thus connect himself indirectly with that aristocracy into which he cannot directly intrude. No matter if the swell be weak and idle and a spendthrift and almost a bankrupt, no matter whether the daughter loves him or not, the marriage is Mr. Neefit's great idea. He will even force *both* parties into it against their will. And the friends and relatives of the young man thus pursued by his tailor creditor, when they learn the possibility of such an event, unanimously regard it as a terrible, an irretrievable disgrace to the family. If he had seduced the girl, *that* would be a mere peccadillo, rather a justifiable action, in comparison.

Now, here we see at once presented a state of things very un-American. An American city tailor is not apt to be an illiterate clown. He is not very distinguishable from the mass of well-to-do citizens around him. If he has a soul above buttons, and his cabbage has blossomed and fructified sufficiently to put money in his purse, he will not find it very difficult to sink the shop. Probably he would not think the marriage of his daughter to one of his customers worth any alarming sacrifice; but should he aspire to such an alliance, his son-in-law would not necessarily become a social Pariah in consequence. And though he cannot himself make one leap from his shop-board to the parlors of the upper ten, there are many by-ways of working out a position. Political life is one of these, by which not only the city artist but his humbler country brother may rise to a conspicuous place. He may even become a President of the United States; not a very successful one, perhaps, but at any rate President. Mr. Neefit's highest political ambition was to have an M. P. for son-in-law.

To be sure, Mr. Neefit is not the only possible type of a city tradesman, nor are the characters of English tailor and English swell absolutely incompatible up to a certain point. The great Henry Poole is said to go down to Leicestershire in the hunting season with

his five horses. But the great Henry Poole is rather an abnormal variety than one of a species; nor must we judge hastily of his social position by his place in the field, where one touch of sport makes the whole English world kin.

Sir Thomas Underwood's next torments are his constituents of Percy Cross (which, as a specimen borough, throws Eatanswill into the shade, because the latter is a caricature and the former a reality) and the agents and wire-pullers of his own party, these latter especially. The poor man is worried almost out of his life by physical and mental and moral and pecuniary annoyances; but through the whole chapter of his woes runs a strong undercurrent of comedy, arising chiefly from the fact of his social superiority to his persecutors, a superiority thoroughly felt and constantly shown by himself, grudgingly acknowledged by them, and always clear to the reader. Now we can easily imagine an American gentleman of fortune and cultivation fooled as Sir Thomas was, but when we come to the *mutatis mutandis*, the whole proceeding is so thoroughly disagreeable (to use the mildest term), that we cannot possibly take a pleasant or mirthful view of it. A severe attack of fleas might, under certain circumstances, not only destroy our comfort but impair our health for a time; still, the cause of the mischief would always give our misadventure a tinge of the ludicrous, which might be the prominent impression finally left on our minds. But suppose we were to encounter a flea as large as an elephant. We might shoot at him, or run away from him; we should hardly sit down beside him to draw his portrait.

We can now see our way a little. Still, we have not arrived at anything very definite or systematic. Let us, in sporting phrase, try back a little. We have casually mentioned the English fondness for the chase. Hunting — fox-hunting — is pre-eminently the aristocratic amusement of Englishmen. Not that all English noblemen hunt, any more than all American gentlemen dance; but it is the favorite and most usual pursuit of those whose inclinations lead them and whose means allow them to make a business of pleasure. At the same time it is a truly national amusement. The school-boy on his pony, the village doctor on his cob, the farmer on his four-year-old colt, the very ploughboy on his plough-horse, will follow the hounds as far as their beasts can carry them, whenever the opportunity presents itself. Nay, all the conventional proprieties do not always prevent the parson from happening to be in the way when the hunt passes, in which case he naturally follows it, to look after his parishioners, lest they use bad language or otherwise misconduct themselves.

From this picture turn we to America. Of course we cannot use the

word *aristocratic* in speaking of a political and social democracy. Let us substitute *exclusive*, in which term, moreover, we may perhaps find a special fitness as we proceed. What is the pet amusement of the American exclusive?

Clearly dancing, the dancing of rotatory or "round" dances; at one period the polka, now the waltz as scientifically developed in the multitudinous figures of the cotillon, *Americanicè* the German. How essentially the idea of dancing was involved in American exclusive society might be seen just after the war, in some of our Southern cities which the war had most impoverished. Dancing was then and there kept up without any of those concomitants and accessories which are generally supposed to constitute no small part of the attractions of a ball. There were no brilliantly lighted rooms, no splendid dresses, no profuse and luxurious suppers, no vehicles to carry the guests to and from their destination; yet they danced on, because it was the pleasure and the function of the American exclusive to dance.

Looking further we observe that this "round" dancing is not a national or popular amusement, and that such amusements as are national and popular — horse-trotting in the first place, then base-ball, then ten-pins and billiards — are not (with possibly a partial exception in favor of the last mentioned) affected or patronized by the exclusives. And now the suspicion dawns upon us that possibly, despite all we hear about class distinctions in England, our people of different sets and cliques (here again the word *class* would be anti-democratic) mix less with and know less about one another than the English of different classes. The apparent paradox need not startle us, for national, like individual life, is full of contradictions. And one cause of the apparent paradox readily presents itself. The English aristocrat is sure of his position everywhere; therefore he need not hesitate to go wherever he pleases. The American exclusive is only sure of his position in his own set; therefore he sticks to that set as closely as possible. So, too, the members of the middle classes in England, fully recognizing the position of the upper class, do their best to cultivate friendly relations with it, even at much sacrifice of personal dignity; but the members of other American sets, sometimes despising, sometimes envying, generally disliking the exclusives, do not attempt to mix with them, unless when, happening to be in possession anywhere, they can overwhelm and absorb the intruders. The degree to which this separation of sets affects all the ordinary habits of life is rarely appreciated among us, simply because most of us belong to some one set. It sometimes leads foreigners into odd mistakes and very imperfect generalizations. When Newman Hall was here, he not unnaturally fell into the hands of what

we may call the ascetic set, the people who contemn all the luxuries of life and are prone to urge problematical changes in flights of incoherent oratory. Going back to England he gravely announced in public (to the great amusement of some American hearers) that wine had been completely banished from the American private dinner-table.

The strongest supporters of this exclusive and separatist social system are the women: first, because women are by nature more exclusive, both socially and morally, than men; secondly, because the home and in-door side of life, which predominates with them, gives them more opportunity to put their principles into practice. Thus, a young lady of the upper ten marries a professor whose college is situated in a Western town; she does not care to sororize at once with her laundress or even with her grocer's wife, and the husband soon finds it expedient to seek a professorship somewhere nearer civilization. Or a damsel who has been brought up on ascetic principles weds a man rather more liberally inclined; her first idea is to remove him from the corrupting influence of early friends who drink beer or walk out on Sunday afternoons. What effect the Woman's Rights movement may have in breaking up this state of things, or in breaking up society altogether, is a question the discussion of which would require too long a digression. At present, political life is the great antagonist of exclusiveness, and accordingly we find a growing tendency among our best men to avoid taking an active, practical part in politics.

We now see our great obstacle to the successful production of an American novel. First of all, one set has not sufficient knowledge of the inner life of another set to describe it with anything like accuracy; hence the man or woman who tries to write outside his or her particular set becomes at once unreal. Secondly, one set does not take sufficient interest in the daily life of another set to appreciate descriptions of it.

Notwithstanding the partially successful attempt to revive the running turf, our exclusives care little for such apology for sporting literature as the country produces; the ridiculously large sums paid by some wealthy men of a different set for trotting horses, whatever they may do for the breed, have done nothing for letters beyond some newspaper puffs; and to the ascetics, the racer, in all his varieties, is of course an unclean animal. To a man brought up under the influence of the æsthetics and humanities, be he sybarite, scholar, or Bohemian, the so-called novels written in the ascetic interest are the acme of dreary platitude; and most heartily does he "say ditto" to Charles Kingsley when that erratic but always interesting parson militant consigns *the Pumplighter*, *Squeechy*, and *the Narrow World* to the purgatory of bad books. Finally, if a member of the upper ten had the inventive

faculty and artistic ability requisite to write a good novel, which, in reference to his own world should naught extenuate nor set down aught in malice, and at the same time render strict justice to the other cliques and their representatives whom he might introduce, the book would be received with virulent outcry, unless it fell flat. Mr. Curtis was obliged to season his "Potiphar Papers" with a liberal allowance of sheer buncombe, in order to make them pleasant to the masses; and the only other chance for a real novel on the plan of his papers would be a strong dose of personality.

This term we do not use in its worst sense, as signifying ill-natured and slanderous attacks on real persons under a thin veil of fiction. We mean personal gossip, generally innocent, always of the most inane and trivial kind, the baldest record of the baldest facts, such as that Blank Dash, "Esquire," is so many years old; or that the Honorable Julius Jigamaree is lodging at such a hotel in such a town; the extent to which rubbish of this sort is circulated, read, and *paid for*, staggers belief and defies caricature. The sovereign people have made a court circular of their own and included all of themselves in it. And it is tolerably obvious that a public which can be satisfied with such information about its members, information which any item-grubber is competent to furnish, will not be very solicitous to encourage elaborate delineations of character and manners.

We have thus found two influences, a greater and a smaller, which interfere with the successful production of the novel, as distinguished from the romance or tale of adventure. But we have not yet accounted for the fact that there are some good social studies, extending over a period of at least forty years, and that whatever real ability exists among us to depict the manners and ways of any set takes, naturally as it were, the form of short sketches. Many will say at once that it is because our rapid and desultory habits of reading refuse to accept amusement otherwise than in its most concentrated, or, at any rate, its shortest form. The novel contracts into a novelette or magazine story, as the newspaper article shrinks into the item, and for the same reason. Which is true, no doubt; yet many English novels are consumed by our people, and the psychological romances of Hawthorne are well read, as the adventurous romances of Cooper were well read in their day. It really seems as if our native writers were deficient in the particular species of invention required for elaborating the simple and quiet, but perfectly connected and consistent plot which distinguishes the *roman de société* from more sensational works of fiction. Our ability in these fields tends rather to tales of adventure and psychological romances; and it is worth noticing, as an amusing practical palinode, that the most active

posthumous critic of Cooper has lately taken the war-path himself and gone overland on Cooper's trail. But there is still a third cause, somewhat recondite and fanciful in appearance at first, but (we are convinced) very real and operative.

When an author has, or thinks he has, the ability to compose a work of fiction, there are reasons why he should throw his thoughts into the form of a novel, and reasons why he should produce them in a number of small stories. The novel is a bigger and more important affair in itself; and if successful, it will be greater success both in money and reputation. But, on the other hand, the novel is a risk; it may earn nothing in the shape of either solid pudding or empty praise; it may even entail positive loss; while the story or sketch is a ready "pot-boiler," bringing in net cash without drawback, and less exposed to deliberate criticism. Still, the preponderance of temptation may well be on the side of the novel; but if we expose it to serious and unfair competition, we at once put a premium on the sketch and impel the writer's energies that way. To such a competition the absence of an international copyright law exposes our native novels; and this defect in our legislation must therefore be set down among the causes which have encouraged short sketches at their expense.

The prospect of a supply of good American novels which our investigation has presented is by no means encouraging. Perhaps, after all, it is better thus. Perhaps we may find a moral compensation for the literary deficiency. French novels are said to do harm in France, because they are so like the lives of those who read them or who live in the same community with those who read them. The mass of our novel-readers are exposed to no such danger. Either they read in English books about a state of society which does not exist in America, or they read in American books about states of society which do not exist anywhere.

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6. — *Methodische Grammatik der griechischen Sprache.* Von Rudolf Westphal. Erster Theil. Erste Abtheilung. Jena, 1870.

Rudolf Westphal is known to the learned public chiefly by his labors in the field of Greek rhythm, metre, and music. The *Griechische Rhythmik*, which appeared in 1854, bore the name of August Rossbach, but it professed to exhibit the results arrived at in a partnership of study and research between the writer and his friend and fellow-student, Westphal. The *Griechische Metrik*, which followed in 1856, was inscribed with both names. But the later members of the series show only the name of Westphal: Rossbach, it seems, had withdrawn

from this department of study. These later works are, the *Fragmente und Lehrsätze der griechischen Rhythmiker*, published in 1861; the *Harmonik und Melopöie der Griechen*, published in 1863; and the *Allgemeine griechische Metrik*, published in 1865. In this whole series, Westphal has shown himself to be a scholar of no ordinary ability. His acuteness and ingenuity, his powers of combination and inference, are certainly remarkable. The idea with which he started was novel and happy. His first aim was to determine the principles of rhythm, as worked out by the Greeks themselves into a system distinct from, and to some extent independent of, the metrical. This system, indeed, has come to us only in scanty fragments, the most important being those of Aristoxenus of Tarentum, a favorite pupil of Aristotle. Yet from these fragments, diligently studied, Westphal has drawn many interesting and probable conclusions. He has unquestionably done more than any one else since Hermann and Böckh for the progress of knowledge in this difficult and slippery field. It must be said, however, that with all their acknowledged merit his writings on this subject are not without serious faults. He shows himself hasty in forming his judgments, hasty in changing them, yet always confident, not to say dogmatical, in expressing them. His thinking is not calm and colorless; it has something vehement, arbitrary, and self-assertive. We cannot rely as implicitly as we should like on his fairness and candor. He too often tries to disguise the want of clearness in his views, or to cover up the difficulties and uncertainties that beset them. In the controversies which his books have called out, he has evinced both a want of ingenuousness and an excess of temper. Toward Cäsar, especially, who combated some of his views, he expressed himself with unbecoming and indefensible coarseness. The points in question were not such as one would have thought likely to raise an acrimonious debate. The most prominent, perhaps, was the rhythm of the dactyl where it is used along with trochees, in the Glyconic and other logaœdic verses. Both parties admitted that if the ordinary dactyl was equal to four crotchets, this logaœdic dactyl was equal to three; and both admitted that the long first syllable of the dactyl had just half this measure, that it was equal to a pointed crotchet. But they differed on the two short syllables, which Westphal represented by a quaver and crotchet, while Cäsar thought they should be represented by two pointed quavers. Cäsar quoted against Westphal a passage from his great authority, Aristoxenus, to the effect that, while long and short syllables vary in absolute quantity, a long syllable has always twice the quantity of a short one connected with it in the same foot. Westphal replied with an elaborate, but not very convincing

plea; and feeling, perhaps, an uneasy consciousness of the logical deficiency, he reinforced it by an abundance of controversial rhetoric.

In 1869 he made his appearance in a new field, with a *Philosophisch-historische Grammatik der deutschen Sprache.* In his preface to this work he states that his favorite studies at the outset of his course were comparative philology and the philology of the Germanic languages; that he published many years ago an essay on the laws which prevail in the Gothic as to the final sounds of words; and that it was by a kind of accident that he was led to give so many years of his life to rhythmical and metrical researches. In reference to this Germanic grammar, it is enough to say here, as marking its author's scientific position, — *first*, that he adopts, in general, the results attained by Bopp, Grimm, and their successors, through the methods of comparative philology; and *second*, that on one important point of linguistic theory he differs from almost all the comparative philologists. He does *not* believe that inflections and suffixes were originally separate words, which, having in time lost their independent accent, became incorporated with the roots before them as parts of the same words. He allows that *some* inflections and suffixes have this character, particularly among those which have arisen in the later periods of linguistic development; but for the great body of inflections and suffixes which belonged to the primitive Indo-European language, he holds to a quite different origin. Thus *dami*, "I give," the Indo-European equivalent of Latin *do*, is generally supposed to have existed at first in the form of two distinct words, each with its own accent, *da mi*, "give I"; and only by the union of these two under one accent to have become the single word *dami*. But the genesis of *dami*, as conceived and explained by Westphal, is on this wise. The first thing is the root *da*, which expresses the activity of "giving" in a manner perfectly indefinite and general. To bring this action into the sphere of the thinking subject, the "me," so as to identify the "giving" one with the "me," a change is required, or an addition; and, in fact, the addition of an *m* was resorted to for the purpose. This *m* is not to be thought of as a pre-existing word, or as the remnant of one, but simply as a sound to which, when thus added to a root, the language-makers assigned this particular office. We have, then, a form *dam*, to denote a "giving" with the "me" as subject. If this giving is further to be brought into the time of the thinking "me," into my present time of thought or utterance, a new change is required; and the language-makers have accomplished the object by the further addition of an *i* charged with this special office; hence *dami*, "I give" or "am giving." If, yet again, the action is to be represented as terminating in the sphere of

the "me," as having the "me" for its object as well as its subject, this is similarly effected by the addition of an *a*, placed after the *m*; hence *damai*, "I give me," "I give myself," or "I give for myself." These illustrations may suffice to show, in a general way, the nature of Westphal's views on the origin of inflection. When he calls his book *Philosophisch-historische Grammatik*, the *philosophisch*, it should seem, refers mainly to this conception or theory of primitive formation.

Within the past few months he has brought out the work which we have now to notice, the first section of the first part of a methodical grammar of the Greek language. The finished whole, if we may judge from this specimen, will be somewhat ponderous. The portion before us numbers 447 octavo pages; yet it is far from having reached the end of the *Flexionslehre*. Beginning with the system of sounds and letters, it is occupied mainly with the formation and inflection of nouns (substantive and adjective), and closes with pronouns and numerals. The verbs will form another part, not less extensive probably than the present. And yet these are both additions, subsequent and secondary, to the original plan, which contemplated only a new Greek syntax. We quote from the preface: "The author's purpose at the outset was only to publish a Greek syntax. While the treatment of the Greek forms, by accepting the results that flow from comparative grammar, has come to be almost wholly different from what it was in the older representations, the theory of Greek syntax set up by G. Hermann, especially in his book *De Emendanda Ratione Grammaticæ Græcæ*, continues still the authoritative standard. The syntactical material has been greatly enlarged and enriched; but the views expressed by Hermann have remained as fixed categories, under which the new observations have had to find their places. That these views are inadequate to form a perfect system for the syntactical phenomena has been apparent to many scholars; if, nevertheless, the old syntax remains without essential change, this fact, in contrast with the transformation of the formative system, is only to be explained by observing that, in the kindred languages newly brought into the comparison, the system of sounds and forms has indeed received a scientific treatment, but hardly an attempt has yet been made to bring together their syntactical appearances. The author is fully convinced that a syntax especially of the old Vedic language would present many points of view highly important for the system of Greek syntax; it may be that for a conclusive settlement of that system the classical philologists will have to wait until their Oriental brethren can produce such a work. Meantime, however, we may entertain the belief that the Greek language — at least as regards the verb, the true central point and centre of gravity for the whole syntax — has arrived at a

much greater number of logically distinct categories than the old Indian of the Vedic period; so that for a comprehensive, methodical, and scientific system of Greek syntax we must always depend mainly on the appearances presented in the Greek literature. To draw from this literature the material for syntax in greater abundance than has been done hitherto, at the same time adopting as basis the statistical principle, and to bring the vast variety of phenomena under categories given by the Greek language itself, — this is a work from the fascination of which the author for the last ten years could never long withdraw himself; and it was his thought to publish his results already gained, without including anything that related to phonetics and etymology."

In translating this passage from our author's preface, we have been partly influenced by the desire to give a specimen of that profuse and "lengthy" style which is one of his characteristics. He goes on to show how he was led to enlarge his plan. In treating the syntax of particular forms, it often seemed to him necessary, in order to justify his treatment, that he should give an account of the forms themselves; but this account, depending on the principles and methods of comparative philology, could hardly look for general appreciation, unless it appeared as a system, embracing the entire field of inflection and formation. In preparing this part of his work, he has depended for his material mainly on the researches of others; but the arrangement and exhibition he claims as his own. He thinks it incumbent upon him to explain why he should bring out a work of this kind when the grammar of Curtius had already treated Greek inflection and formation in the light of comparative philology. Of Curtius's book he speaks in very respectful terms, but criticises some points which he regards as objectionable; at the same time he observes that for himself the leading object was to make a syntax, and that the rest was a secondary matter. He might have spoken of the difference in scale between the two books; Curtius has not given to the whole grammar as many pages as Westphal has here taken for the half of what he represents as the subordinate part of his work. In speaking of Krüger, Westphal complains of the excessive brevity and curtness of his style, comparing his method to that of the Indian Pânini, who held that the truly wise man ought to rejoice more over a half word saved than over a whole troop of healthy children. It may be admitted that Krüger has carried conciseness to the verge of a fault; but it is alarming to think of the bulk which his stout volume of a thousand pages would assume if written up with the *copia verborum* of Westphal.

Every one has heard of the minister who excused the length of his sermons by saying that he had not time to make them shorter. Prob-

ably our author might defend a like fault by a like plea. All his writings have borne more or less the appearance of haste; and the present in this respect is not unlike its predecessors. Inaccuracies and even blunders show themselves here and there, which would hardly have escaped the notice of such a scholar, if he had written more deliberately, or revised with greater care. A remarkable instance is found on page xvii of the preface. Speaking of the contract verbs, he says that τιμῶ (to honor) and φιλῶ (to love) correspond to the first two conjugations in Latin, but that οἰκῶ (to inhabit) has no parallel conjugation in Latin. Now οἰκῶ, as every one knows, is a contraction of οἰκέω, and agrees in its inflection with φιλ(έω)ῶ; but Westphal must have thought of it as being a contraction of οἰκόω, and thus as agreeing in its inflection with δηλ(όω)ῶ. It is barely possible, however, that he may have written οἰκειῶ (for οἰκειόω, to appropriate, to make one's own), though it does not appear in the long list of errata at the close of the volume. On page 58, στίχος (row) is set down as having its genitive in ους, that is, as a neuter of the third declension; whereas it is really a masculine of the second declension, στίχος, στίχου. On page 17 we find τύψω given as the future of τύπτω (to strike). Probably Westphal is old enough to have learned the inflection of the Greek verb from τύπτω as the main paradigm; and he may have failed even yet to free himself from the influence of that strange conglomerate of poetic, rare, late, and imaginary forms. The real future of τύπτω through the whole classical period is τυπτήσω; it is not until we come down some five centuries after the Christian era to the Egyptian poet Nonnus, that we find the first example of τύψω. The case is still worse with the present κάζω, on page 24. Homer has in frequent use a perfect κέκασμαι (to surpass) for κεκαδμαι; and the καίνυμαι (to surpass), which he uses in the present system, appears to come from the same root καδ. But for a present κάζω we must look to late Byzantine writers, as Nicetas the annalist, about 1200 A. D. Passow, in his dictionary, admits the form KAZΩ, but describes it as an unused theme. Liddell and Scott reject it altogether.

Again, on page 55, our author mentions a form τεεῖο, as used by Homer for the genitive singular of the pronoun σύ; and he shows at some length how this form may have arisen. τεεῖο appears again on pages 377, 378; but there in connection with the similar τεοῖο. Both of them, τεεῖο and τεοῖο, are described as being of interest, and particularly so τεοῖο, on account of the ο in the middle. The reader, unless he consulted other authorities, must believe that τεεῖο and τεοῖο were *both* used by Homer; nor would he think of either as being particularly rare. The fact, however, is that τεοῖο is only found in two lines, or rather one line repeated, in the eighth book of the Iliad. As for τεεῖο, it occurs nowhere, except

in Bekker's last edition of the Iliad, where he has substituted it for τεοῖο in these lines, which (by the way) he agrees with Aristarchus in regarding as spurious. For this substitution of τεεῖο Bekker adduces no authority of manuscripts, scholiasts, or grammarians; apparently, he has adopted it as a form recommended by the analogies of pronominal inflection, being similar to the Homeric genitives ἐμεῖο, σεῖο, εἷο, of the three persons. It was, of course, right enough that Westphal should mention τεεῖο, and even try to explain it; but he ought not to have done so without saying that it rested on the conjecture of Bekker, unsupported by any ancient authority. And as to τεοῖο, when calling special attention to it, he should hardly have omitted the interesting fact that it appears only in one line of Homer. He speaks of having based his syntax on the statistical principle; we are not quite sure what he means, but it seems to us that some such principle might have found a proper application in this case.

It is a striking evidence of haste, that the author has in several instances given inconsistent or contradictory statements on the same point. Thus on page 24 he mentions τόσος (so much) and μέσος (middle) among words in which a single σ is produced by the transformation of a dental τ or θ; while he separates them from the cases in which a double σσ is produced by the transformation of τι or θι. Yet on page 35 he tells us that the double σσ of the epic forms τόσσος and μέσσος is more original than the single σ; but if this is so there must have been in these words a change of τι or θι to σσ, from which the common forms arose by an omission of one σ. This should perhaps be regarded as a case of faulty statement and arrangement rather than of absolute contradiction; but other instances have a more unequivocal character. Thus, on page 30, he explains the adjective φαεινός (brilliant) as being made from an earlier φαενιος, by taking the vowel ι from its place after the liquid ν and inserting it before that letter: φαενιος, φαεινός. But on page 70 he gives a wholly different, and probably a more correct explanation of the word, taking it from the stem φαεσ of the neuter φάος (light), with the added suffix νος: thus φαεσνος, whence, by dropping σ before ν and consequent lengthening of the vowel ε, we have φαεινός, like εἰμί (am) from the earlier εσμι, Sanskrit *asmi*. He adds ὀρεινός (mountainous) for ορεσνος, from the stem of ὄρος (mountain), as another instance of the same formation. Yet on page 207 we find him returning to his first idea; mentioning φαεινός, ὀρεινός, and some similar words, he expressly rejects the explanation from φαεσνος, ορεσνος, pronouncing it less probable than the one which takes them from φαενιος, ορενιος.

A not less remarkable case of contradiction is presented in the ety-

mology of ἥλιος (sun). This word has usually been regarded as connected in derivation with the Latin *sol*, — thus ἥλιος for σηλιος, by the change, common in Greek, of initial *s* to *h*, — and as identical in origin with the Sanskrit root *sur* (to shine), and the Sanskrit noun *svar* (sky). This view, however, furnishes no satisfactory explanation of the common epic form ἠέλιος, and the Doric ἀέλιος, and especially the Pamphylian ἀβέλιος, mentioned by Hesychius. Hence G. Curtius was led, some twenty years ago, to propose another, and a very ingenious, etymology. He identifies the word, not with the Latin *sol*, but with the Roman proper name *Aurelius*, or its earlier form *Auselius*. We are told in Paulus's Epitome of Festus that the Aurelian family came to Rome from the Sabines, and was supposed to be named from the sun, because a place was assigned them by the people, where sacrifice should be offered to the sun by persons who were thence called *Auseli*(*i*), — which implies that *Auselius* in the Sabine language meant the sun. This word *Auselius* is readily and naturally explained from the root *us*, seen in the Latin *ustum* (to burn), present *uro* for *uso;* it is the Sanskrit *ush*, whence *ushas* (the burning of the eastern sky, the dawn). The same root is recognized in the Latin *aurora*, for *ausosa*, and in the Greek αυσως, which does not itself occur, but gave rise to αὐώς, ἀώς, ἠώς, ἕως, in different dialects of the language. In like manner the form αυσελιος, corresponding to *Auselius*, is not itself met with, but it furnishes the natural explanation of all the forms that do occur, the Pamphylian ἀβέλιος, the Doric ἀέλιος, the Homeric ἠέλιος, and the common ἥλιος, where, as in ἵππος (horse), the *h* has come in by a kind of cockneyish confusion. This etymology may seem at first view hazardous, but the more it is examined the more it will be seen to rest on solid grounds, and indeed to have the evidence of scientific demonstration. Westphal adopts it on page 198, where, speaking of masculine substantives in ιος, he gives, among others, "ἥλιος, ἠϝέλιος, d. i. αὐσέλιος Sonne." He says nothing here about any change of opinion on his part; but only eighteen pages before (on p. 180) we find the words "ἥλιος Sonne (σϝᾱλιος)," which show that when they were written he accepted the other etymology, from a root like that of Sanskrit *svar*.

In looking over the "Lautlehre" of this volume, it has seemed to us that the author shows a special deficiency, of ear or of judgment, in dealing with phonetic matters. He appears not even to apprehend the capital distinction between surds and sonants; at least, if he anywhere recognizes it with distinctness, we have failed to discover the passage. He speaks indeed of three mutes, π, τ, κ, as having a *harder* pronunciation; and three others, β, δ, γ, as having a *softer* pronunciation; and

again three others, ϕ, θ, χ, as made by the connection of a *hard* mute with a following breath; but as to the real nature of this harder and softer pronunciation, — that the latter is a tone, the former a mere whisper without tone, — of this he betrays no consciousness. Perhaps that utterance of the mutes, very common among Germans, which tends to confound the distinction of surd and sonant, may have something to do with this failure to perceive its nature and importance. The peculiarity of a German ear shows itself when he speaks of θ in its modern Greek pronunciation as having "the sound, bordering on *f*, of an English *th*." Our *th* surd (in *thin*) is as near to an *f* as a *t* is near to a *p*; no native speaker of English feels that they are very near to each other; but sounds which a man is unable to produce are apt to be hazy and indistinct to his ear. Hence, too, in the δ of the modern Greeks, pronounced like our *th* sonant (in *this*), our author "perceives a soft breathing which sounds almost like [a German] *j*," — that is, like a consonant *y*; so that to his apprehension the modern Greek $\delta\acute{\epsilon}\nu$, "not" (and, of course, the English *then*, for there is no difference between them), seems nearly like *dyen*. The modern Greek pronunciation of β as *v* he is naturally able to apprehend perfectly, and he sees that it must be different from the ancient β, which (as he says) was a genuine mute, while *v* is a semivowel. But the use of the name "*middle* mutes" for β, δ, γ, by the ancient grammarians, leads him to assume, without good reason, that the ancient β must have had a sound different from our *b*; being intermediate between *smooth* and *aspirate*, it must (he thinks) have had *some* aspiration, though less strong than that of ϕ. This is more than can safely be inferred from the term *middle*, which may have been inexact, or fanciful, or even arbitrary; perhaps their mere sonancy made them appear stronger than the smooth mutes, while their want of aspiration made them appear less strong than the rough mutes, so that a middle position may have seemed the proper one for them.

We add some other statements of our author, which seem to show a want of aptness for phonetic research. On page 44 he tells us that the high-tone syllable in German is always long, either by nature or by position. He ought to know that (for instance) in the first syllable of *machen*, and in the second syllable of *genommen*, the short vowel is followed by only one consonant-sound, for the *m* of *genommen* is not doubled in pronunciation; the high-tone syllable of these words is not long now, and was not in the Old High German, either by nature or by position. On page 5 he says that when the Greeks came under the Roman power, $o\iota$ was a monophthong, and that it was sounded as Latin *œ*. But when Latin *œ* became a monophthong (as it did not, in the

mouths of cultivated people, until long after the Roman conquest of Greece), it took the sound of *e* (in *they*), — a sound which we have no reason to suppose that οι had in any period of the Greek language.

On page 14 we are told that Greek ρ "seems to have been in the main a guttural sound; at least, in its utterance a breathing was heard at the same time." It is true that ρ at the beginning of a word is accompanied by an *h*; wherever else a single ρ may occur, whether in the middle of a word or at the end, it shows no sign of a breathing. And even at the beginning the *h* is a distinct element superadded to the ρ. If we look at the words of most frequent occurrence which begin with ρ, we shall find that a large majority of them began originally with σ or ϝ; the *h* is a relic of this primitive initial. Thus, the most prolific roots are those of ῥέω, originally σρεω (to flow), and ῥήγνυμι, originally ϝρηγνυμι (to break). Then there are the roots of ῥέζω (to work), ῥήτωρ (speaker), ῥῖγος (cold), ῥίζα (root), ῥόδον (rose), and others, in which it is easy to demonstrate the original ϝ. In very few cases of initial ρ can it be proved that the word in its original form began with this letter. And if in so many of the commonest words an *h* (the relic of an earlier σ or ϝ) was heard with the initial ρ, it is not surprising that an *h* should have been added in other cases, so that the use of it with ρ at the beginning of words became a universal rule. The *h* with initial υ is to be explained in a similar way: appearing in many words as the relic of a primitive consonant, it was afterwards extended, by an unconscious movement toward uniformity, to words which began originally with the vowel. To this latter fact — the constant use of *h* with initial υ — we have been unable to find any allusion in Westphal's pages; while for the parallel case of *h* with initial ρ, he fails, as we have seen, to give the true explanation.

On page 17 our author lays down the somewhat startling rule, that a guttural mute (κ, γ, χ), coming before μ, is changed to a nasal. The perfects πέπλεγμαι, πέπραγμαι, δέδεγμαι he declares to have been pronounced *peplengmai*, *peprangmai*, *dedengmai*, (with *ng* as in our *sing*.) For this remarkable novelty he offers no proof but the fact that certain ancient grammarians gave to γ, when it had its nasal sound, the altered name of ἄγμα, — thus calling the second letter of ἄγκυρα (anchor) and ἔγχος (spear) ἄγμα instead of γάμμα. Apparently, this was an arbitrary variation made in the name *gamma*, in order that the different sound might have a different designation. But Westphal assumes that the new name must have *contained* the sound which it was used to designate, — that is, it must have been pronounced *angma*. And he assumes further that if γ before μ was sounded thus in the one word

ἄγμα, it must have been sounded thus in all others, — in *dongma* (for instance) and *prangma*, written δόγμα and πρᾶγμα. It is strange that this sound of γ before μ is not mentioned by ancient writers. It is strange that the Romans, who elsewhere write *n* for the nasal γ of the Greeks, write this γ before μ by their *g*, and find no occasion to explain the inconsistency. It is strange that the palatal nasal (the *ng*-sound) should be allowed before μ, when the lingual nasal ν, coming before μ, is always assimilated: if the nasals of the lingual and labial series could not stand together, we should equally or still more expect to find that the nasals of the palatal and labial series were incapable of standing together. These difficulties are not explained nor even noticed by our author.

On page 27 he speaks of ν in some instances as changing to λ, and gives as an example the aorist ἦλθον (came), assuming that the earlier form is preserved in the Doric ἦνθον. But the Doric itself seems to have had λ in ἐλεύσομαι and ἐλήλυθα; at least there is no trace of ενευσομαι and ενηνυθα; and it can hardly be doubted that in ἦνθον the ν before θ is a mutation of λ, occasioned in some way by the influence of the following mute.

On page 37 he speaks of the Greek language as having no objection to a final λ, and gives as proof the epic ἦλ, a mutilated form of ἦλος (nail). Now all we know of this epic ἦλ is simply what Strabo tells us, — that it was used by Euphorion, who wrote epic poetry in the Alexandrian period about 240 B. C. Whether Euphorion found it in earlier poets, or picked it up in any living idiom, or made it out of his own head, we have no means of knowing; and the last supposition is by no means violently improbable. In any case, the fact that a late epic poet is reported to have used a mutilated form like this is very scanty basis for an assertion as to the feeling of the Greek language about a final λ.

But we must pass over many similar criticisms which have occurred to us in a cursory perusal of the book. We will only call attention further to a few statements which indicate an unsafe latitude of philological principles. We have already seen that the author regards inflection as made by taking single sounds, having no previous significance of their own, and attaching them with any desired significance to the end of a root. He is also ready to acknowledge an extension of words by single sounds prefixed, inserted, or appended, without any effect on the meaning, and in many cases without apparent euphonic reason. That original roots have received extensions which can neither be referred to composition, nor be accounted for on grounds of euphony, must indeed be admitted. But this is a principle which needs to be applied with

much caution, or the new Indo-European philology will fall back into the old etymological chaos, where everything was made out of everything else. We believe that among recent investigators, those who, like Curtius, have been most rigorous and scrupulous in their methods have added most to the sum of ascertained and unquestionable truth. To show that Westphal belongs to a different order of philologists, it would be enough to refer to page 158, where he explains the epic case-ending φι and the common adverbial ending θι, as both of them made from the locative ι by inserting a φ in the one case and a θ in the other. Thus οἴκοθι and οἴκοφι (if this was used) are only modified forms of οἴκοι (at home). And again, where two forms of a word are found differing like στέγος and τέγος (roof), one beginning with σ before another consonant, the other without the σ, he will not admit that there is ever reason to regard the fuller form as the original one; on the contrary, he declares (page 102) that in every such case the original form is the shorter. Thus τέγος he makes to be earlier than στέγος, though the initial *s* appears in the Sanskrit root *sthag* (to cover), and in the Lithuanian *stegiu* (cover), *stogas* (roof). Recognizing χίδρος (more correctly χίδρον, "toasted wheaten groats") as connected in derivation with σχίζω (to split), he declares the σ of the verb to be a later addition to the root, although the Latin has *scindo*, perfect *scidi*, and the Sanskrit *chid* implies according to the usual law a primitive *skid;* to which we must add the Lithuanian *skedzu*, and probably (notwithstanding its unchanged *d*) the Gothic *skaidan*, German *scheiden*. Does Westphal regard the falling away of σ before another consonant as an impossible and incredible change? Would he pronounce the common Latin *lis*, gen. *litis*, to be more primitive than the archaic *stlis*, *stlitis*, which so remarkably corresponds to Anglo-Saxon *strîdh*, Old Norse *strîd*, Old High German *strît?*

A striking proof of the freedom of our author's principles may be seen in his discussion of the numeral *four* (page 423). He shows that the common Greek τέσσαρες implies a stem τετϝαρ; and that the Aeolic πίσυρες implies a stem πετϝαρ; while in the Latin is seen a stem *quatuor*. These all agree in their second syllable τϝαρ, but differ in the initial mute of their first syllable, where we find (as Westphal says) the whole triad of *tenues* or smooth mutes. "Which of these forms" (he asks) "can be considered older than the others? is it the one with *p*, or the one with *k*, or the one with *t?* As here, almost within each of the kindred languages, we find in different dialects an analogous interchange between the organ-classes [labial, guttural, and dental], we must hold this interchange to be original: at the outset people could use at pleasure any one of these three consonants as the

initial of the word *four*." "Indeed" (he adds) "it almost seems as if the numeral *four* contained in itself the numeral *three*, with a prefixed syllable consisting of any *tenuis*, taken at pleasure, and followed by the simplest vowel *a*, — this prefixed syllable representing the extension of the notion *three* by a unit." This theory gives us a curious glimpse into the state of things during the times of Indo-European unity. The people then, it seems, could not agree on a designation for the number *four*. That there must be a *tvar* in it, nobody doubted; and it was equally clear that this *tvar* must be preceded by a surd mute with *ă*. But what should this surd mute be? There were three possibilities, a *p*, a *k*, and a *t;* and there were as many parties as possibilities. It may be thought strange that, having agreed perfectly on five sounds out of the six, they should have failed completely in coming to an understanding on the sixth. But so it was. The friends of *p*, of *k*, of *t*, stuck each one to his own letter. Whichever was used, the word was equally intelligible; but nobody would give up his favorite pronunciation. And so it went on until the parent speech divided into its main branches. The common ancestors of the Greeks and Romans, when they began to have a language of their own, were still hopelessly at variance on this point, and thus brought the three forms of *four* into the new language. Even the first speakers of Greek, when that became separated as a distinct speech from the Italican, inherited the ancient quarrel, and brought into the Greek two at least, if not all three, of these forms. A similar confusion must have existed from the earliest times in reference to the interrogatives. To the Latin *quid* and the Oscan *pid* corresponds the Greek τί. Here again the same trio of surd-mute forms, all of which our author holds to have been alike original. The formers of the Indo-European tongue could not agree on an interrogative stem. It must consist, they all admitted, of a surd mute with *ĭ*. But what mute? Some said *p*, some *k*, some *t*; each one took his choice, and held on to his letter. We confess that to our mind there is something hard to imagine in this mixture of agreement and disagreement in the first speakers of the Indo-European, especially when we suppose it handed down to the first speakers of the Græco-Italican, and even to the first speakers of the Greek itself. Nor do we see any necessity for making a supposition so improbable to account for a variety of forms, where all might arise by known laws of change from one common original.

Looking at this volume as a whole, we must say that it seems to us a slipshod production. It has not been worked out with the care and pains and patience which the author was bound to bestow upon it by a

regard as well for his own reputation as for the interest of his readers. At the same time we cheerfully acknowledge that it is in many respects ingenious and interesting. It was not an easy task to arrange the material of Greek grammar according to the views and methods of comparative philology. This is the task which Westphal has proposed to himself; and if in his execution of it we find a good deal to criticise, we must make due allowance for the difficulties which beset one who ventures to depart from the beaten track. We must give him credit for recognizing, what so many classical scholars in Germany are still loath to admit, that the treatment of Greek grammar cannot fail to be largely affected by the results of comparative philology. Among German classicists of the old school there has always been a certain disposition to look with jealousy on this new science of language, and to shut off its professors — called Sanskritists, or Indianists — from all unauthorized intrusion into the domain of Greek and Latin. This feeling is very frankly expressed by Ellendt in the preface to his excellent *Lexicon Sophocleum:* "There are two things which seem most to hinder the true knowledge of ancient letters. One is that those who know nothing of Greek and Latin, and who cannot abide the arduous way of becoming skilled in them, prefer to stammer in Sanskrit (*Sanscritice balbutire malunt*). Using this as a common key for all languages, they perceive at once what could be said or ought to be said (*quid dici potuerit debueritve*), what is the origin of words and the law of their formation and inflection, and what resemblance, nay, almost kinship of speech, subsists among nations the most widely severed. In this sort of philosophizing they impose on the ignorant by striking out plausible figments, which contain forsooth the very marrow of wisdom; and they so abuse their own minds, that even things which elude the most diligent cultivators of these studies, such things they are bold enough to believe have been found out by men without learning, by themselves first, or by others like them." He goes on to say that he means no disrespect to Sanskrit; he regards it as a valuable study, and fitted to throw light on the beginnings of language; in other words, it is very good in its place, but must learn to keep its place, and not presume to interfere with Greek and Latin scholarship. The feeling represented in these utterances is, however, gradually passing away. The Greek Grammar of Georg Curtius, with the explanation and defence of his method given in the "Elucidations of my Grammar," has made a strong and general impression. And this new grammar of Westphal, with all its faults, will not be without effect in the same direction.

7. — *The Holy Roman Empire.* By JAMES BRYCE, D. C. L., Fellow of Oriel College and Professor of Civil Law in the University of Oxford. Third edition revised. London: Macmillan & Co. 1871. 12mo. pp. 424.

WHEN Guizot is enumerating and describing the elements of society which existed at the commencement of the sixth century, he says that the Empire had bequeathed two things to the modern world, — the municipalities, and "the idea of the Empire, the name of Emperor, the idea of imperial majesty, of an absolute, sacred power attached to the name of Emperor." This is all he has to say in regard to the Empire. It is extinct, a memory of it survives, and in imitation of it Charlemagne establishes his new empire in the eighth century. Probably all readers of these lectures have felt that something is wanting here; that the Roman Empire played a larger part in modern civilization than would be gathered from Guizot's words; that it was more than a mere memory or idea. But the analysis of this element was left for other hands. In English literature the great work of Sir Francis Palgrave, the "History of England and Normandy," stands perhaps alone in boldness and breadth of treatment in this difficult and disputed field of historical activity; but Sir Francis left an unfinished work, which few Americans have ever had patience to study. Mr. Freeman promises at some future time to take up the same subject, and if he carries out his pledge, the work will be done with faithfulness and very decided ability. But as yet little has been accomplished by English hands towards clearing away the thick veil of darkness which obscures early German history, as seen from an English stand-point. The Germans, on the other hand, remarkable as they are for success in dealing with all periods of history they touch, have excelled themselves in regard to their own. The wealth of their literature in this direction is alarming to the foreigner who gains even a distant view of it. Their collections of original authorities alone are rapidly extending to the infinite. Their studies of the institutions of their ancestors are innumerable, and yet the subject is very far indeed from receiving its final shape. Few or none of these German works have been thought worthy of translation. Even Giesebrecht, whose History of the German Empire may, when measured by a German standard, be called a popular book, has as yet found no English interpreter; and if this is the case with an author so widely known as Giesebrecht, there is little prospect that special students like Waitz, or eccentric geniuses like Gfrörer, will ever be brought before an English audience. Mr. Bryce's little book comes, therefore, to supply an

immense void in English literature, and has received a hearty welcome accordingly.

"Strange," says Sir Francis Palgrave, "that historians should have encouraged each other in the error that the Roman Empire, extinguished, as they say, in Augustulus, was now (under Charlemagne) restored. Restored! — never had it been suspended, either in principles, maxims, or feelings. The shattered, pillaged, dilapidated Empire was still one state, one community; the nations of Christendom were bound together by one common faith. Distracted Christendom fell miserably short in practice, nevertheless the idea of religious unity was firmly inherent. . . . . Moreover, Christendom had to dread a rival empire, — the empire of Islam, under one chief, one caliph, uniting temporal and spiritual authority; and was not one emperor equally needed for Christendom? Hence Charlemagne's call: *Ne Pagani insultarent Christianis si Imperatoris nomen apud Christianos cessasset.*"

The Empire was never divided and never extinct. The crowning of Charlemagne was not, in the eyes of contemporaries, the establishment of a new empire, not even the revival of the extinct empire of the West; but a restoration to its lawful seat of the Roman Empire, which had for centuries been in exile, and had now been disgraced by the heresy of the Isaurian dynasty and the murderous usurpation of Irene.

Rome, to the people of the Middle Ages, was by right the capital of the world, the head of both the political and the religious system of Europe; a notion that we have seen lately reappear in the protest of some American Catholics against its incorporation with the Kingdom of Italy, on this very ground. From the mediæval point of view, this claim is a perfectly just one; and in the chapter on the "Theory of the Mediæval Empire," Mr. Bryce gives a very striking and instructive view of the relations between the Popes and the Emperors, the two co-ordinate heads of Christendom. "The Holy Roman Church and the Holy Roman Empire are one and the same thing in two aspects; and Catholicism, the principle of the universal Christian society, is also Romanism, that is, rests upon Rome as the origin and type of its universality; manifesting itself in a mystic dualism which corresponds to the two natures of its founder. As divine and eternal, its head is the Pope, to whom souls have been intrusted; as human and temporal, the Emperor, commissioned to rule men's bodies and acts" (p. 106). It follows necessarily that "opposition between two servants of the same king is inconceivable, each being bound to aid and foster the other; the co-operation of both being needed in all that con-

cerns the welfare of Christendom at large." This is the theory; how wildly it disregarded realities is shown by the fact that more than half of Christendom was shut out from the organization, recognizing neither the Pope of Rome as the head of the Church, nor the Western Emperor as the head of the Empire. Nay, how completely the sovereignty of Rome was forgotten in the East is illustrated by the claim of Soliman the Magnificent, that he, in virtue of his possession of Constantinople, was the legitimate successor of Augustus and Constantine, not Maximilian or Charles.

We have not space to follow Mr. Bryce's admirable sketch of the manner in which the Holy Roman Empire was, in fact, if not in name, transformed into a German Empire, — a discussion perhaps even more striking than that already spoken of. The decisive moment of this transformation he places at the reign of Maximilian I., when the house of Hapsburg acquired that permanent leadership in the narrowed empire, which Germany had obtained five hundred years earlier in the Roman Empire. The change was naturally a gradual and unrecognized one. There was no time indeed when the universal character of the Empire was more distinctly recognized in theory than at this very time, in the contested election at the death of Maximilian, when the candidates were the kings of France, Spain, and England. The tendencies which at last made of the universal Empire a mere Austrian monarchy appear so uncontrollable in Mr. Bryce's analysis of them, that one cannot help wishing that he had considered the question: What would have become of the Empire if Francis I. of France, or still more Henry VIII. of England, had been elected instead of Charles I. of Spain? It was easy for Charles to combine the Spanish with the German monarchy, because a large part of his dominions were in Germany; how would it have been with the insular Henry? Perhaps we may conclude that the result would have been good. The Holy Roman Empire was already an anachronism and an obstacle; perhaps under an English or French emperor its unnaturalness and uselessness would have been sooner seen, and it would have been superseded in Germany by some genuine German constitution.

Another point which Mr. Bryce has failed to discuss, and which would seem to have come directly in his way, is the influence of Roman imperialism, especially as remoulded by Constantine upon the ideas of sovereign power in modern Europe, — transforming the free barbarian kingship into an absolute monarchy by divine right, and infecting the Teutonic aristocracy with the haughty and contemptuous spirit that was the true source of the class distinctions and class struggles of modern times.

We wish also to call attention to one or two expressions less accurate than one should expect from so careful a writer: "Town-life there was none [in Germany] till Henry the Fowler forced his forest-loving people to dwell in fortresses that might repel the Hungarian invaders" (p. 132). Now, to say nothing of old Roman towns like Cologne, Mentz, Worms, and Augsburg, there was no small number of German towns — Hamburg, Bremen, Frankfort, &c. — long, before Henry the Fowler; the towns that he founded, too, — Quedlinburg, Merseburg, &c., — were in his own Duchy of Saxony, in North Germany, and therefore on the Slavonian, not the Hungarian, frontier. On p. 223 we find the statement that Frederic III. never entered the Empire for twenty-three years. We do not understand what is meant by this. It is true that Frederic III. let the Empire go, and kept within his own hereditary dominions; but these all belonged to the Empire in the narrowest sense of the term, for Hungary was not yet a part of the Austrian possessions. The Emperor Sigismund, who, as he says, "was virtually a Hungarian king," was the only emperor of the whole long line who can be said to have lived mostly "without the Empire's bounds"; and even he spent much of his reign in Bohemia, an integral part of Germany. Again, we think it is hardly correct to say (p. 309) that the inducement with "those who chose Maximilian emperor" was that "he was the strongest of the German princes," and so best able to sustain the dignity. This was, it is true, the actual result, but it was almost by accident that the Empire fell to the house of Hapsburg, and the great growth of power in that house was after the imperial dignity had become practically hereditary, and indeed largely as a result of the imperial dignity (as Mr. Bryce himself says in a note to p. 184). Albert II., of Austria, was chosen to succeed Sigismund because he was his son-in-law; at his early death his cousin, Frederic III. of Styria, succeeded, as being the head of his family; not by virtue of his power, for he possessed only Styria, Carinthia, and Carniola, being at the same time regent of Austria for the infant Ladislaus Posthumus. Maximilian succeeded him as being his son. The whole series of transactions illustrates the constant tendency of the Empire to become hereditary, even in collateral lines.

A note to this third edition (p. 365) explains that a chapter would have been added, treating of the consequences of the war of 1866, but that the sudden outbreak of the war of 1870 made it preferable to defer this discussion until the further changes that will inevitably be made. Meantime we may notice how remarkably the events of the past year illustrate the theories of the book. The temporal power of the Popes was established by the Carolingian kings a little earlier than

the Empire itself. As it came a little earlier than the Empire, so it lasted a little longer. For the period of a thousand years the theory of Church and Empire kept the two institutions in existence long after they had lost all real vitality. The nineteenth century first sees an end put to this mediæval anachronism. Immediately upon the overthrow of the temporal power of the Pope follows the creation of a new Empire, — no inheritance of the dead past, like the Austrian Empire, claiming no connection with Augustus or Charlemagne, like the upstart French Empire, but the expression of the new life of a powerful and at last united nation.

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8. — *The Book of God; A Commentary on the Apocalypse.* London: Trübner & Co. pp. 853.

Our types are not cabalistic enough to give in full even the title of this most perfect volume of truth, as its author styles it. Truth only, says Bacon, doth judge itself; and certainly few men have knowledge enough of Sanskrit, Hebrew, Arabic, Runic, Welsh, Tasmanian, and other tongues, to criticise properly a work in which they are all so freely used. It is a pity that such precious matter should be so hard for a common person to understand. If we had not this distinct statement as a guide, we should make a different estimate of the value of this commentary; but it must be allowed that its truth and its perfection seem to us about on a level. It is rather startling to learn that the Apocalypse was written by Adam, and is now first restored to the correct readings; that Satan is identical with Napoleon I., and the Beast with the United States; that the faith of the Jews is diabolical, that of the Romanists a structure of villany and superstition, and that of the Protestants wicked and blasphemous; and that no doctrine except that set forth by the author is much better. As much bad language is poured on all nations as on all religions; and it is some salve to our national pride to be told that the British power is ravenous, murderous, and avaricious. It seems that the only true believers are "pure Gnostics," and the only sound writer since Adam is Mr. Scott of Ramsgate. Much of the learning of this book is so ingeniously profane as to be unquotable; and most of the rest needs a "pure" Gnostic to interpret it. Those who know anything of the history of that sect can judge how justly the epithet is applied to it, in ancient or modern times; but it was reserved for the prophet now under consideration to develop the most curious abominations from the most innocent and even sacred writings, and to illustrate them from the antiquities of the East.

Two former volumes, doubtless as true, as pure, as perfect, and as big

as the present, have been published, forming with this one work; and the author wishes to publish eleven books more, beginning with the Book of Enoch, and to this end invites communications; but as he describes himself only as Ω and the Twelfth Messenger of God, it is to be feared that few will reach his address. His labors have not as yet been received to his satisfaction; nor can we predict for them much future usefulness, except so far as they must greatly increase the linguistic knowledge of any enthusiastic disciples who try to read them through.

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9. — *Plutarch's Morals.* Translated from the Greek by several Hands. Corrected and revised by WILLIAM W. GOODWIN, Ph. D., Professor of Greek Literature in Harvard University. With an Introduction by RALPH WALDO EMERSON. 8vo. 5 volumes. Boston: Little, Brown, & Co. 1870.

PLUTARCH is perhaps the most eminent example how strong a hold simple good humor and good sense lay upon the affections of mankind. Not a man of genius or heroism himself, his many points of sympathy with both make him an admirable conductor of them in that less condensed form which is more wholesome and acceptable to the average mind. Of no man can it be more truly said that, if not a rose himself, he had lived all his days in the rose's neighborhood. Such is the delightful equableness of his temperament and his singular talent for reminiscence, so far is he always from undue heat while still susceptible of so much enthusiasm as shall not disturb digestion, that he might seem to have been born middle aged. Few men have so amicably combined the love of a good dinner and of the higher morality. He seems to have comfortably solved the problem of having your cake and eating it, at which the ascetic interpreters of Christianity teach us to despair. He serves us up his worldly wisdom in a sauce of Plato, and gives a kind of sensuous relish to the disembodied satisfactions of immortality. He is a better Christian than many an orthodox divine. If he do not, like Sir Thomas Browne, love to lose himself in an *O, altitudo!* yet the sky-piercing peaks and snowy solitudes of ethical speculation loom always on the horizon about the sheltered dwelling of his mind, and he continually gets up from his books to rest and refresh his eyes upon them. He seldom invites us to alpine-climbing, and when he does, it is to some warm nook like the Jardin on Mont Blanc, a parenthesis of homely summer nestled amid the sublime nakedness of snow. If he glance upward at becoming intervals to the "primal duties," he turns back with a settled predilection to the "sym-

pathies that are nestled at the feet like flowers." But it is within his villa that we love to be admitted to him and to enjoy that garrulity which we forgive more readily in the mother of the muses than in any of her daughters, unless it be Clio, who is most like her. If we are in the library, he is reminded of this or that passage in a favorite author, and, going to the shelves, takes down the volume to read it aloud with decorous emphasis. If we are in the *atrium* (where we like him best) he has an anecdote to tell of all the great Greeks and Romans whose busts or statues are ranged about us, and who for the first time soften from their marble alienation and become human. It is this that makes him so amiable a moralist and brings his lessons home to us. He does not preach up any remote and inaccessible virtue, but makes all his lessons of magnanimity, self-devotion, patriotism, seem neighborly and practicable to us by an example which associates them with our common humanity. His higher teaching is theosophy with no taint of theology. He is a pagan Tillotson disencumbered of the archiepiscopal robes, a practical Christian unbewildered with doctrinal punctilios. This is evidently what commended him as a philosopher to Montaigne, as may be inferred from some hints which follow immediately upon the comparison between Seneca and Plutarch in the essay on Physiognomy. After speaking of some *escripts encores plus révérez*, he asks, in his idiomatic way, *à quoy faire nous allons nous gendarmant par ces efforts de la science?* More than this, however, Montaigne liked him because he was *good talk*, as it is called, a better companion than writer. Yet he is not without passages which are noble in point of mere style. Landor remarks this in the conversation between Johnson and Tooke, where he makes Tooke say: "Although his style is not valued by the critics, I could inform them that there are in Plutarch many passages of exquisite beauty, in regard to style, derived perhaps from authors much more ancient." But if they are borrowed, they have none of the discordant effect of the *purpureus pannus*, for the warm sympathy of his nature assimilates them thoroughly and makes them his own. Oddly enough, it is through his memory that Plutarch is truly original. Who ever remembered so much and yet so well? It is this selectness (without being over-fastidious) that gauges the natural elevation of his mind. He is a gossip, but he has supped with Plato or sat with Alexander in his tent to bring away only memorable things. We are speaking of him, of course, at his best. Many of his essays are trivial, but there is hardly one whose sands do not glitter here and there with the proof that the stream of his thought and experience has flowed down through auriferous soil. "We sail on his memory into the ports of every nation," says Mr. Emerson admirably in his Introduction. No

doubt we are becalmed pretty often, and yet our old skipper almost reconciles us with our dreary isolation, so well can he beguile the time, when he chooses, with anecdote and quotation.

It would hardly be extravagant to say that this delightful old proser, in whom his native Bœotia is only too apparent at times, and whose mind, in some respects, was strictly provincial, had been more operative (if we take the "Lives" and the "Morals" together) in the thought and action of men than any other single author, ancient or modern. And on the whole it must be allowed that his influence has been altogether good, has insensibly enlarged and humanized his readers, winning them over to benevolence, moderation, and magnanimity. And so wide was his own curiosity that they must be few who shall not find somewhat to their purpose in his discursive pages. For he was equally at home among men and ideas, open-eared to the one and open-minded to the other. His influence, too, it must be remembered, begins earlier than that of any other ancient author except Æsop. To boys he has always been the Robinson Crusoe of classic antiquity, making what had hitherto seemed a remote island sequestered from them by a trackless flood of years, living and real. Those obscure solitudes which their imagination had peopled with spectral equestrian statues, are rescued by the sound of his cheery voice as part of the familiar and daylight world. We suspect that Agesilaus on his hobby-horse first humanized antiquity for most of us. Here was the human footprint which persuaded us that the past was inhabited by creatures like ourselves.

The present edition supplies a real want, and completes the late Mr. Clough's excellent labors in revising the old translation of the "Lives." Like that, the text of the "Morals" is based on the version "by several hands," the English of which belongs to the period of Dryden, when the language was becoming familiar, though it had not altogether lost the quaint and dignified formality of the elder time. If it has not the peculiar raciness of Cotton or Urquhart, the most original of translators, there is a sufficient flavor of archaism to save it from being commonplace and from the slipshod magniloquence of modern ready-writing. The task of the editor was a difficult one, to be watchful against the swarming errors of translation, sometimes so gross as to demand an entire recast, sometimes so minute as easily to elude observation, and at the same time to expunge manifest vulgarisms without endangering the idiomatic freshness and freedom of the text. Professor Goodwin has fulfilled the former part of his duty with the punctiliousness of an accurate scholar, and the latter with a good taste which will satisfy all except perhaps those to whom the faults of the dingy duodecimos were endeared by familiarity, and who found a charm even in the moles

and warts of their favorite. Indeed, in a pretty careful examination of several of the essays, we have been able to detect only a single instance of oversight, and there our attention was aroused by an obscurity in the sense. It occurs in the "Discourse concerning Socrates's Dæmon" (Vol. II. p. 417): "Or, if we did not like that proposal, he said, it was better to go out *and confusedly fall on one another*, than to coop ourselves up altogether in one room, and like a hive of bees be taken by our enemies." Even here the difficulty would seem to lie in some corruption of the original Greek, or in some peculiar use of the phrase πρὸς ἀλλήλους (Wyttenbach suggests ἄλλους, αὐτόυς), for that the meaning cannot possibly be that the conspirators were to fall on *each other*, is not only an inference from the obvious sense, but is shown by the context. We should also have preferred "taken off" for "taken," in the last clause of the passage. A few other purely verbal criticisms might be made, but they are so few as rather to confirm than shake our judgment of the editor's vigilance and taste. The publishers also deserve commendation (as in their editions of the "Lives" and of Burke) for undertaking works of which the expenses must be great while the returns are slow, and whose own intrinsic excellence must for a long time be their chief reward.

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10. — *The Student's Elements of Geology.* By Sir Charles Lyell, Bart., F. R. S., author of "The Principles of Geology," "The Antiquity of Man," etc. With more than 600 Illustrations on Wood. London: John Murray. 1871.

It has been the good fortune of geology to secure not only a great number of followers, but among them men of very varied abilities, so that there have been heads and hands to do the diversified work which was required to effect the rapid advance of the science. Lofty imagination, great powers of generalization, keen perception, patient, untiring industry in the laboratory and in the field, have been plentifully given to the great work of unfolding the confused record of our earth's history. No one who is not familiar with the thousands of volumes which have been given to the public during the last quarter of a century can form an adequate idea of the extent or the variety of the work done in the science during this period of singular growth; whether we measure it by the number of workers or the extent of their productions, the activity of geological science exceeds that of any of its associate sciences.

The rapid rate of accumulation of the material of the science has

required another sort of ability than that employed in the work of discovery; it was necessary to have an historian who should be able to condense the work of this multitude of laborers, so that the records of research, scattered in the memoirs of the scientific institutions of the world, should be accessible in a brief form to all the students of science.

This difficult task has been done for geology by Sir Charles Lyell, and done in a way which has never been equalled by the other laborers in the field of this or other departments of research.

This work has been much more difficult than might at first sight seem to be the case. The historian of this science must necessarily be a large sharer in the work; in no other way can he be sure to obtain the full knowledge of the spirit of the investigations which he seeks to interpret; without which his work becomes a mere compilation. Moreover, he must be a laborer in many parts of the broad field, else he may not sympathize with all those who are doing their share in the varied work. He must also have the true historical spirit, something very difficult to retain in any department where the historian is himself a sharer in the events he narrates.

To the fact that all these and many other results of genius and culture have been combined in our author, we owe, in a great degree, the rapid growth of geology among the mass of the people. For about thirty years he has stood as a mediator between the specialist and the general public. The book whose title is given above is a recasting of a work which has been one of the means whereby this task of popularizing our science has been effected. The "Elements of Geology," the sixth edition of which was printed in 1865, has been for some years out of print, and has fallen further behind the science than it had during the longer intervals which had elapsed between some of the preceding editions. The author has of late devoted more attention to his larger work, the "Principles of Geology," the *tenth* edition of which was published two years ago. Having discussed in the light of recent discoveries many of the questions which would naturally have been treated in a new edition of the "Elements of Geology," our author has concluded, we think quite wisely, to limit the scope of the work, and to indicate the limitation by the word "student's," prefixed to the title. The result is a work on many accounts admirably fitted for the sphere it is now destined to fill. Without being distinctively a text-book, this volume is admirably fitted to accomplish the best result attainable in that class of work, — that of giving to a student a connected idea of the mass of facts and opinions of general importance belonging to that part of the science called historical geology.

Those who are familiar with the Elements will not require a description of the new shape in which it is now presented. We cannot think the design of the book altogether satisfactory. In tracing the succession of phenomena on the earth's surface, the beginning is not made with the earliest physical events and the first animals, but the reader is carried from the present time back, step by step, to the most remote past. Taught in this manner, the student is not led to see the phenomena of succession in their natural way, but must, if he would perceive the interesting relations involved therein, construct for himself a picture of the sequence, or read our author's record backwards to obtain it. This is a natural view of the subject to one who has made himself essentially the historian of the science. The order of succession of discovery has been rather from the newer to the older than in the sequence of creation; consequently the historical method is naturally to begin with the tertiary, and then go back by successive stages to the earliest ages, and the latest discoveries in the history of the earth. But the story thus told has the same want of coherence as we should find if we traced human history in the same way. The geological history of Great Britain requires to be told in its natural succession, as much as the civil and political history of the same region. There are arguments of weight to be adduced in favor of the method adopted by Sir Charles Lyell; it can be truly said that it is easier to proceed from the present familiar assemblage of animals, step by step, back towards the extraordinary assemblages of beings of past ages, than to begin with the most remote and therefore most puzzling conditions of life and environment. We do not think, however, that this counterbalances the difficulties attendant on the backward reading of the record.

We are sorry to say that, with the much to praise, we find something to blame in this edition of the Elements. We cannot believe that the author has failed to inform himself of the important discoveries of American geologists in the region west of the Mississippi. Yet the work of Whitney in California, of Hayden and others in the Rocky Mountains, is insufficiently represented in his accounts of the mesozoic and cainozoic American rocks. For instance, in his account of the trias of this country, we have a page or two given to the comparatively unimportant strip of rocks along our Atlantic seaboard, which is with doubt referred to that period, while a Western area, far more extensive and quite as well determined, is passed by without notice. There are other less grave, but still important omissions, which we hope may soon be corrected in another edition. It is to be wondered at, that a geologist, who can justly claim to have known more of American geology than any other Englishman, should fall so far behind American discovery.

It seems indeed impossible for British naturalists to keep themselves informed of the work done in this country. We have long hoped that some of the English journals of science would endeavor to remedy this by getting some active American scientist to furnish them from time to time with a *résumé* of American contributions.

We would not have this criticism seem too severe. The intent, if not declared aim, of the book is to give to the British reader a clear idea of the historical geology and palæontology of his own island, with a certain amount of information concerning that of other regions where he is likely to be led, with scarcely more than accidental reference to many important facts which might have unavoidably swelled the volume to an inconvenient size. To the American student this volume may serve very well to complement the manual of Professor Dana, as it is as full of information about the European as the latter is about our American rocks.

It may not be inopportune to recall here the influence exerted upon the study of geology in this country by the journeys of Sir Charles Lyell. By his contact with many American students, who were stimulated to activity by his influence, he did more than any European has done, except Agassiz, to affect for the better the scientific spirit of this country, while by his example he directed the attention of many of his countrymen towards the study of American geology. The charming narratives of these journeys are now out of print. We wish the author could be induced to visit us once more, were it only to see the result of the rapid development of science during the last two decades, — a result which his own labors have had so creditable a share in producing.

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11. — *Commentaries on the Laws of England, in Four Books, by* Sir William Blackstone, *Knight, one of the Justices of his Majesty's Court of Common Pleas. Together with such Notes of enduring Value as have been published in the several English Editions. And also a copious Analysis of the Contents; and additional Notes with References to English and American Decisions and Statutes, to date, which illustrate or change the Law of the Text; also, a full Table of Abbreviations, and some Considerations regarding the Study of the Law.* By Thomas M. Cooley, Jay Professor of Law in the University of Michigan, and Author of "Constitutional Limitations." 2 vols. 8vo. Chicago: Callaghan and Cockroft. 1871.

"The Commentaries of Mr. Justice Blackstone," says the author of the present edition, "have now for more than a century been the

wonder and delight of persons whose curiosity or interest have led them to investigate the Constitution and laws of Great Britain, the condition of things from which they grew, and the reasons upon which they rest. Lapse of time does not seem to diminish their attractions or to lessen materially their practical value." This opinion of one of the most intelligent judges of our day, an opinion which ninety-nine lawyers out of a hundred would cordially echo, is strangely in contrast with other criticism which is, to say the least, entitled to equal respect. Austin, in the "outline" of his lectures on Jurisprudence, says: "Neither in the general conception, nor in the detail of his book, is there a single particle of original and discriminating thought. He had read somewhat (though far less than is commonly believed), but he had swallowed the matter of his reading, without choice and without rumination. He owed the popularity of his book to a paltry but effectual artifice, and to a poor, superficial merit. He truckled to the sinister interests and to the mischievous prejudices of power; and he flattered the overweening conceit of their national or peculiar institutions, which then was devoutly entertained by the body of the English people, though now it is happily vanishing before the advancement of reason. And to this paltry but effectual artifice he added the allurement of a style which is fitted to tickle the ear, though it never or rarely satisfies a severe and masculine taste. For that rhetorical and prattling manner of his is not the manner which suited the matter in hand. It is not the manner of those classical Roman jurists who are always models of expression, though their meaning be never so faulty. It differs from their unaffected, yet apt and nervous style, as the tawdry and flimsy dress of a milliner's doll from the graceful and imposing nakedness of a Grecian statue."

In estimating the value of these two criticisms, it must be borne in mind that they regard Blackstone from two different points of view. The ordinary lawyer's interest in the Commentaries depends upon their value to him as a compendium of the law; Austin's interest in them was that of a philosophical inquirer into fundamental principles. Of course it is quite true that no thoroughly good system of positive law can be based on incoherent and unphilosophical principles; but, on the other hand, no English or American lawyer can doubt that a system may exist for centuries and suffice for the wants of a nation, and maintain an organic and useful growth, without having any philosophical foundation at all. Such a system was the English, with its confused medley of Roman, British, Saxon, Norman, and modern principles, and the real work performed by Blackstone in his Commentaries consisted in educing a semblance of order out of this confusion; he did indeed

attempt a scientific arrangement, but writing for a people which cared little for science, the fatal defects in that part of his work attracted small attention, while the value of his lectures as a compendium was immediately felt. Some one has said that the old English lawyer's idea of a good law book was "a chaos, with a good index." Blackstone may be said to have furnished England with a good index to the great chaos of the whole law. For however superior Sir Matthew Hale may have been to him in knowledge, he lacked what his successor and imitator certainly had, — effectiveness; Blackstone secured and held the attention of his audience.

We say this, not with a view to deprecating criticism of Blackstone; the tendency of the scientific study of the law is probably to make his book obsolete; but for the purpose of indicating the reasons for the very different estimates that may still be made of his value by different classes of minds. Austin can find little in him except confusion and error. His "fancy that custom exists as positive law"; his misapprehension of the import of the division between the law of persons and things; his erroneous distinction between law and particular command; his error in supposing that human laws are of no validity, if contrary to Divine laws; his erroneous distinction of civil injuries and crimes; his mixing up *status* with the law of things; the logical inaccuracy of his division of law regarding rights and law regarding wrongs; — such are some of the principal heads of Austin's criticism: a criticism which completely undermines the foundation of Blackstone's whole system. And yet his Commentaries have been "the delight and wonder" of the profession to which he belonged for more than a century.

How much of this popularity has been due to a "rhetorical and prattling manner" it is difficult to say. Indeed, it is difficult to understand what Austin means by the latter adjective. His style is artificial enough and rhetorical enough, but we can hardly imagine Blackstone, even off the rostrum, prattling. The chief peculiarities of his style are clearness and rhythm; the first certainly a virtue, the second so systematically employed as to become a vice. His cadences succeed one another with a musical regularity which has helped to make their author popular, though they certainly deserve no credit from those who understand the simple artifice of their Construction. It should be noticed also that the rhetorical effect of his style is greatly heightened by the character of the vocabulary, which is to a very remarkable degree Latin. It may please civilians to reflect, if they take any interest in the matter, that the great vindicator of the English institutions borrowed, if not his law, at least his language from Rome. His vocabulary is singularly devoid of Saxon words. His definition of law itself is Latin almost

from beginning to end: "Law, in its most general and comprehensive sense, signifies a rule of action, and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational." This peculiarity accounts in great measure for the pompous effect which the style has to the ear of a generation whose principal writers belong to a school of Saxon renaissance.

Undoubtedly Blackstone's cardinal sin, in the eyes of a modern student, is that he writes with a divided aim. To be a lawyer is not enough for him: he must be a patriot as well. Not satisfied with explaining the British constitution and laws, he must defend them against all comers. For example, the account given of Parliament would naturally lead one to suppose that the division of powers among the King, Lords, and Commons was the result of a carefully constructed system, devised by the early inhabitants of the kingdom, very much like that subsequently adopted at Philadelphia, instead of deriving its existence, as it really did, in part from accident and in part from the vivid imagination of Blackstone himself. The whole work breathes a spirit of patriotic contentment, not of science. But still it may be urged in mitigation of sentence that Blackstone wrote "in the dead waste and middle of the eighteenth century"; he had no opportunity of reading Austin.

Of the work of the present edition we have left ourselves but little room to speak. Judge Cooley is known to the public as the author of a valuable treatise on Constitutional Limitations, and brings to his labors that judicial tact which only the decision of cases can give. The precise value of his notes must be determined, like those of his predecessors, by long use, but that they are valuable is very evident already.

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12. — *Words and their Uses. A Study of the English Language.* By Richard Grant White. New York: Sheldon & Co. 1870.

We are accustomed to boast of our educational progress; in many respects the boast is well founded; and yet there are some branches, and those not unimportant, in which we seem to be positively retrograding. It may be doubted if our young men and women spell as correctly as their fathers; it is certain that they do not speak and write so grammatically. Such expressions as, "like you did," "without he had," which thirty years ago were never heard inside a respectable house, are now often uttered by persons in good social positions, nay, frequently seen in newspapers which have claims to be considered more than average representatives of the press. How far this change for the worse is

owing to the increase of our foreign element, how far to the growth of the classes popularly known as "shoddy" and "petroleum," and how far to an increasing spirit of carelessness and want of reverence for all rule and system, — these are questions which we need not discuss, unless they come up incidentally, since in any case our remedy must be about the same, namely, to call by some popular means the popular attention to this growing carelessness of speech and writing.

For this purpose Mr. White's book is well adapted; and if he is occasionally prone to something like hypercriticism, the failing surely leans to virtue's side. He objects to the ordinary use of the word *execution* for putting to death of a criminal, a use which we think can be fully justified by ellipsis and second intention. His proposed *presidental* for *presidential* has been universally condemned. We suspect him, too, of an unnecessary dislike to the relative *that*. But these are trifling blemishes; and it is a matter of more serious regret that he did not extend a little of his minute *English* accuracy to the classic tongues. When the chapters of his book appeared as magazine articles, they contained some very awkward slips in the dead languages; and one of these is left uncorrected on p. 285, — an error which, if it occurred in a translation from prose, would not be so salient or serious, but which, depending as it does on a matter of prosody, shows the writer to be unacquainted with the scansion of that easy metre, the hendecasyllabic. Indeed, he seems throughout hardly to treat Latin with sufficient seriousness, but rather to look at it from what we may call a Breitmannic point of view, as a vehicle for elaborate, if not ponderous jokes, e. g. his supposed edition of Tibullus, *cura Reverendissimi, Doctissimi, Sanctissimi Caroli Bensonis.*

While speaking of foreign languages, we may also express our regret that Mr. White has not revised his proof more carefully. The printers have taken some queer liberties with his French; *en* for *on* three times in pp. 239, 240, and *croquet* for *croquette*, p. 201.

In the introductory chapter (the only one written expressly for this collection) we are very glad to find Mr. White protesting against the heresy that *usage* is to be our supreme guide. This position has been stoutly maintained, and by persons who, moreover, understand *usage*, not as the practice of the *best* writers, but as popular custom, an average of Tom, Dick, and Harry, Tag, Rag, and Bobtail, Birdofredom Sawin, Hans Breitmann, and Miles O'Reilly, a *pot-pourri* of native and imported improprieties. For the author's vigorous protest against such an assumption we are most devoutly thankful.

The second chapter is on *Newspaper English;* and here again we cannot too highly praise Mr. White's severity on those persons "who,

being vulgar, would seem elegant; who, being empty, would seem full; who make up in pretence what they lack in reality; and whose little thoughts, let off in enormous phrases, sound like fire-crackers in an empty barrel." Indeed, it is hardly too much to say that of all the bad English which the book discusses in this chapter and some of those which follow, the greater part, whether unnecessary use of sesquipedalian epithets, or misapplication of good words or invention of new ones that are bad, may be traced to the snobbishness of men who, as Sancho saith, "want better bread than is made of wheat." Thus the exquisitely absurd misuse of *mutual* evidently sprung from the idea that *common* was altogether too common a word for polite society. *Donate*, Mr. White's special abhorrence, is an analogous case. Nay, the same cause has introduced some hideous hybrids with foreign terminations. The disgusting bastard *equestrienne*, which has actually found its way into journals edited by men of large literary reputation, was clearly the invention of some clown, who, fired with a grand professional enthusiasm, decided that *horsewoman* was not a term sufficiently delicate to describe the ladies that rode in a circus.

Chapter III. is a comparison of *British and American English*. Here Mr. White takes exception to the admissions made by some distinguished authors on our side, and the claims of some English reviewers. In meeting the latter he is very successful; with the former he seems to be at cross purposes.

The fourth chapter is on *Style*, which, our author thinks, "cannot be taught and can hardly be acquired." This is certainly true in the sense that no man can acquire another's style, any more than he can acquire another's nature. If a young author tries to write like Macaulay or Cobbett or Bunyan, he may produce a good parody or a bad imitation, but he will not have *acquired* and assimilated the style of his model. But, on the other hand, a writer may improve his own style very much, not merely by general cultivation, as Mr. White suggests, but by particular inspection and correction of what he writes. We suspect that most prose-writers of celebrity go on elaborating and improving their style to the last. Sometimes we find an exception, like George Grote, who expresses himself more awkwardly the more he writes; but the general rule is different. Irving, to take a single case, rewrote entirely for the revised edition of his works, in 1848, one fifth of "Knickerbocker" and remodelled at least one fifth more. Among the improvements in his later style were additional terseness and power, gained chiefly by a more frequent use of the real possessive. And here, though it involves a digression, we wish to speak of Coleridge's dictum, approved by Marsh and generally received. The passage in Coler-

idge's writings where it appears also attributes a saying of *Panurge* to *Pantagruel*, which ought to put us on our guard. The position is that the possessive case belongs only to, 1. Living agents; 2. Personifications; 3. The remains of personifications. But what would Coleridge have made of *a day's work* or *a rope's end?* What objection could he have made to *my journey's end* if he had met it in verse, or even in prose? His rule was right as a general rule, but he erred in making the canon absolute and without exception. There are a few exceptions, mostly monosyllables.

To return to our author; we wish he had said something of a prevailing heresy akin to that on "usage" already noticed; namely, that all the *style* required in speaking or writing is to express one's self briefly and intelligibly. Now writing or speaking may be brief and intelligible and also ungrammatical and vulgar to any extent. *Them 's um!* is just as intelligible as *there they are!* and somewhat briefer, but there can be no doubt as to the relative propriety of the two expressions. No one would misunderstand *he see me do it*, but it is not the Queen's or any other good English, though it may be the President's American.

Chapter V. is on *Misused Words.* Here, as well as in one of the succeeding chapters, which ought to be *the* succeeding chapter, we have to remark, in a general way, first, that Mr. White, in our opinion, hardly makes sufficient allowance for metaphorical uses of words; secondly, that he sometimes lays equal or nearly equal stress on slight and monstrous offences against propriety, which want of discrimination may mislead some of his readers. Specially, we have only to speak of *like* and *as.* Mr. White's remarks on these words are correct, but not sufficiently full.

Our English way of making a comparison by means of *like* with an objective case is peculiar. In the ordinary Continental languages ordinary comparison is expressed by some conjunction literally corresponding to our *as* (*wie*, *comme*, *como*, *come*, &c.) with a nominative following the conjunction, and a verb, expressed or understood, after the conjunction. But idiomatic English expresses comparison by the adjective *like*, governing an objective (*pace* our author) through the help of the understood preposition *to* or *unto*, which was formerly expressed. (*The* Scriptural *like as*, which has puzzled some writers, we explain as an ellipsis for *in like manner as.*) Comparison, however, may also be expressed in English by *as* with a nominative, *but* — and this is the first point to which we wish to call the reader's attention — *the verb of the nominative should then be expressed.* The poets violate this rule. Some of our recent poets violate it systematically. Sometimes they

partly fill up the break thus caused in the sense by inserting *so* to correspond with *as*.

"As the door on its hinges, so he on his bed."
Watts.

"As the waves after ebb drawing seaward
When their hollows are full of the night,
So the birds that flew singing to-me-ward."
Swinburne.

It sometimes happens that a prose-writer (perhaps from his anxiety to avoid the vulgarism of *like* with a verb) uses *as* without a verb and thereby runs the risk of being misunderstood. For — and this is the second point to be noted — *as*, without a verb expressed after the following nominative, signifies, not *comparison*, but *quality*. Our meaning will be made plain by these two sentences.

White men will not work as slaves.
White men will not work like slaves.

The former of these means, *White men, reduced to the condition of slavery, will not work.* The latter means, *White men will not work in the same manner* or *to the same extent as slaves*, the term *slaves* here connoting *persons of another color.*

What we have remarked renders it probable that the vulgarism of *like* with a verb is of foreign origin.

For the rider or appendix to this chapter *On Squeamish Cant*, we again tender the author our most hearty thanks. Nothing renders us more contemptible in the eyes of English gentlemen than the invention and use of such terms as *rooster*. And the pity of the thing is, that all these silly attempts at delicacy always end in making the doubtful idea more indelicate by calling more attention to it, through the slight effort which the mind has to make in order to understand the euphemism or periphrasis employed.

The next chapter (which is pushed out of its proper place next to Chapter III. in order to be sandwiched here between two other Chapters that ought to go together) treats of *Some Briticisms*. We have two remarks to make on it: first, that *Briticisms* is a false formation for *Britannicisms;* secondly, that *right*, in the sense of *obligation*, is not Cockney, but Irish.

On the next chapter, *Words that are not Words*, we have to observe:—

1. *Authoress, Poetess.* "Although the words are not very lovely," says Mr. White, "their right to a place in the English language cannot be denied. The distinction of the female from the male by the termination *ess* is one of the oldest and best established usages of English speech." There are limitations, however, to this usage. Sometimes

the feminine termination covers only a portion of what is included under the masculine. Thus, *a hunter* may be either a man or a horse; but a *huntress* is a woman, not a mare. Some English writers have tried to establish a rule that the *ess* termination applies only to official positions, whether high or low: *baron, baroness; priest, priestess; steward, stewardess:* but this distinction is unfounded and imaginary. Words like *authoress, poetess*, are in truth "not very lovely," but sometimes we have to choose between them and the equally unlovely periphrasis, *female author, female poet.*

2. *Reliable.* The course of controversy about this word has been briefly as follows: *Reliable* was condemned because formed from an intransitive verb (or more properly a compound verb *minus* the preposition that made it transitive). Its friends urged in reply the analogy of *laughable, accountable*, etc. The rejoinder to this was, the adjectives adduced as precedents are not formed from verbs, but from nouns; witness *objectionable, marriageable, seasonable.* And here the objectors should have rested their case. In going further and maintaining as some of them, Mr. White among the number, have done, that the Latin verbals in *bilis* were derived from nouns, they committed a grave error. It is hard to say from what *volubilis*, for instance, *could* come, except *volvo*, or according to the latest fashion *uoluo*. There really seems to have been at one time a vague notion afloat, that the termination of words like *objectionable* was the English adjective *able;* and such an idea once started would be encouraged by the fact that the suffix may be used with non-Latin roots.

3. While attaching some weight to the general opinion that *bub* is a diminution of *brother*, Mr. White would rather make it a corruption of *Rob* or *Bob.* We incline to the German *bub';* still we must admit that there is a tendency in language to make common nouns out of proper names, e. g. the use of *Jan* for a waiter in Holland, and *Fanny* for a barmaid in some parts of Germany. Some writers have assumed a contrary process. Mr. Fox Talbot derived *Peggy* from Scandin; *pige* (a girl) and *John* from *juvenis!*

Chapter VIII. treats of several subjects not necessarily connected. Under *The Formation of Pronouns*, Mr. White gives a correct and, as he claims, original explanation of the anomalous forms *himself, themselves*, namely, that the *him, them*, are datives with (perhaps) a *quasi* nominative force. Under *adjectives* in EN, he deplores the disuse of this peculiar form. We fear he must resign himself to it. The growing tendency of our language is to use any and every noun, except some proper names of countries, as an adjective on occasion. And it certainly often saves us from having to choose between a fearfully long periphra-

sis and a very clumsy adjective. *The policeman theory of government* means that theory which confines the functions of government to the protection of life, liberty, and property. *The interference theory of government* means that theory which maintains the duty of government to interfere perpetually with the personal habits of the individual and the distribution of his industry and its proceeds. We *might* express this distinction by the adjectives *policemanic* and *interferential*, but they would not be nice words. The graceful trochaic epithets in EN seem, therefore, to be doomed by the operation of a general law; at least in prose, for in poetry they bid fair to keep their ground. The remarks on *shall* and *will* are correct and necessary. Mr. White says truly that the New-Englanders commit fewer errors in the use of these auxiliaries than the inhabitants of the Middle States. This may be due to the greater strength of the foreign element in the latter.

The ninth chapter is chiefly important as an introduction to the tenth, *The Grammarless Tongue*. Here our author commits the usual error of reformers; in avoiding an abuse, he rushes to the opposite extreme. Because many writers have wrongly transferred Latin rules to English and made imaginary grammar, therefore he will have it that we own no grammar at all. For instance, prepositions do not govern the objective case, because a noun has the same form whether object or subject. But the Greek and Latin neuter accusatives have the same form as the nominatives, and our pronouns possess a very positive declension. If "prepositions and active [transitive] verbs do not govern the objective or any other case," why is it not proper to write *He hit I, I ran against he?* Why should we blame *Punch's* juvenile rustics for saying, *Her haint nothing to do with we; us don't belong to she?* Then why must we abolish auxiliary verbs and the passive voice? The reasons which Mr. White gives really amount, when carried out, to this: that it is possible to resolve any sentence into a subject and a predicate connected by the substantive verb. And while he justly regards our freedom from *grammatical gender* as a merit and an advantage, he utters no word of sorrow for the loss of our inflections, which often reduces us to such straits. One of these straits is the subject of Chapter XI., on which we have only to remark that there is no absolute necessity for either the ambiguity of *the boy is whipping* or the illogical vulgarity of *the boy is being whipped*, we can always turn the sentence into some such form as, *he* (or she, or somebody) *is whipping the boy*.

The twelfth and last chapter is *A Desultory Denunciation of English Dictionaries*. Here again we are bound to applaud heartily. First, Mr. White animadverts on the absurd fancy that the more new words

— or words not found in other dictionaries — a dictionary contains, the better it is. This principle, once admitted, leads of course to the unlimited introduction of compounds that need no explanation and coinages that ought to be consigned to oblivion with all possible speed. The former only add to the size and expense of the book; the latter are disgusting and mischievous. Fancy a new edition of Webster or anybody embalming such things — we will not call them words — as *walkist*, *slightually*, *theftuous*, and *squelchment*, all of which we have recently seen in newspapers of large circulation, and some of them used with perfect seriousness. Next we find an equally vigorous and equally just denunciation of the counterpart desire to multiply definitions. Webster is a sad sinner in this way, with his more than thirty meanings for *fall* and more than sixty for *run*. We once saw a squib on this propensity of his, constructed somehow thus: —

Horse. 1. An animal which is sometimes black. "The horse which he rode was *black*." — *Walter Scott.*

2. An animal which runs races. "Only four horses *ran* for the Ascot cup." — *Bell's Life.*

And so on. It was meant for caricature, but hardly worse than the original.

Of this dictionary our author ingenuously admits that "having ceased to be *Webster's* or *American*, it is about as serviceable as any other." Indeed, Webster, in his present form, reminds us of the recipe for stone soup: "When done, the stone may be thrown away." It *has* been thrown away; only a little disagreeable grit remains in the form of a *traveling center*.

Among other things, Mr. White justly blames the pictorial illustrations "with which dictionaries have been so copiously defaced." As there must be *some* reason, good or bad, for almost everything, we suppose the practice originated thus: Certain works like Calmet's, dictionaries in name and form, but something very different in substance, were really improved by illustrations; and thence the practice was transferred to real dictionaries, which it did not improve. Mr. White, however, thinks it originated merely in "a desire to catch the unthinking eye.

"Words and their Uses" is a book in which the critic who attacks it with malice prepense may find many things to carp at and a few to smash; but the reviewer who judges it from a more liberal and equitable point of view will decide that it is most praiseworthy in design, generally commendable in execution, and certain to be beneficial in result.

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